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R U L E S
of the
CIVIL SERVICE COMMISSION
of
SAN FRANCISCO
CALIFORNIA

AS EFFECTIVE MAY 1, 1951

Francis P. Walsh, President
John M. Kennedy, Vice President
Charles T. McDonough, Commissioner

Attest:

William L. Henderson,
Personnel Director and Secretary

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RULES OF THE CIVIL SERVICE COMMISSION OF SAN FRANCISCO

RULE 1. CLASSIFICATION

Section 1. CLASSIFIED SERVICE: The classified service shall include all positions in the City and County service subject to competitive examination and/or Salary Standardization.

Section 2. POSITIONS EXEMPT FROM THE CLASSIFIED SERVICE: The following shall be exempt from classified service; and shall constitute the unclassified service: all elected officials specifically exempt by charter provisions; members of Boards or Commissions; teaching and other technical forces of the school department; employees of the Steinhart Aquarium; employees of the Law Library; construction employees engaged outside of the City and County; and department heads and other employments specifically exempt by law from both competitive examination and Salary Standardization.

Section 3. CLASS TITLE: The term "Class Title" means the designation given under these rules to a class and to each position allocated to a class. The Class Titles and Class Numbers assigned to positions by the Commission shall be used in all records, reports, statements and communications, including the compensation schedule, annual budget, and Salary Ordinance, payrolls, and appropriation ordinances. Classes in the classified services exempt from Civil Service examinations, or exempt from Salary Standardization shall be designated with an appropriate symbol.

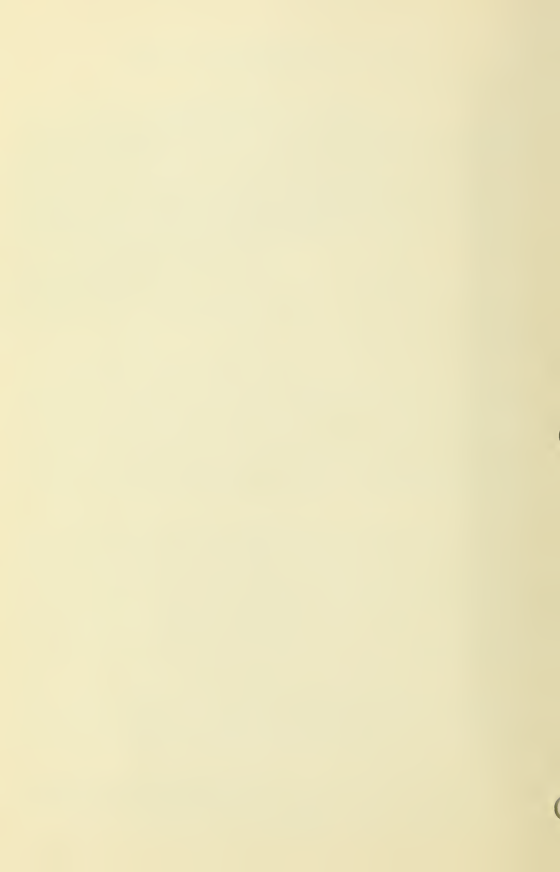
Section 4. CLASS (OR CLASS OF POSITION): The term "class" or "class of position" means a position or group of positions for which a common descriptive class title may be used. Such positions, as established by Civil Service law or rules, which are sufficiently similar in duties and responsibilities and require sufficiently similar training and experience for qualification thereto that the same descriptive title may be used to designate each position and that the same schedule of pay may be applied with equity under the same, or substantially the same, employment conditions shall be allocated to the same class. Class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kind of position that should be allocated to the several classes and shall not be construed as prescribing what the exact duties and responsibilities of each individual position allocated to the class shall be. The use of any particular illustration of duties or responsibilities shall not be held to exclude others of similar kind or quality not specifically mentioned.

Section 5. SUB-CLASSES: When for purposes of recruitment it is deemed desirable that a more specialized scope should apply to employments within a given class, the Civil Service Commission shall in its discretion set up sub-classes. Such sub-classes shall be deemed as part of the general class of which they are a subdivision for purposes of salary treatment. And provided further that when such sub-classes are set up it shall be clearly indicated on scope circulars, eligible lists and all records as required in Section 3, and shall be treated under the Civil Service provisions of the Charter as separate entities.

Section 6. REPORTS FROM APPOINTING OFFICERS: Appointing Officers shall immediately notify the Civil Service Commission of the proposed creation or abolishment of any position and of any change in duties of existing positions as provided in Section 143 of the Charter.

Section 7. AMENDMENTS TO CLASSIFICATIONS: The Civil Service Classifications of positions may be amended at any meeting of the Commission. All requests for amendments of classifications or changes in allocation of positions shall be posted on the blackboard of the business office of the Commission for a period of at least one week before such request shall be acted upon by the Civil Service Commission. The allocation or reallocation of a position shall not adversely affect the Civil Service rights of an occupant regularly holding such position.

Section 8. OFFICIAL COPY: The Secretary shall maintain in convenient form for workable purposes an accurate and complete copy of the position classification plan to be designated as the official copy. Such copy shall be currently maintained reflecting all changes made in classifications. All changes made in allocations of positions shall be recorded in the official minutes of the Commission. (Sec. 144.)



RULE 2. APPLICANTS

Section 1. **QUALIFICATIONS:** Every applicant must be a citizen of the United States, at least twenty-one years of age on the date of filing application, and at that time must possess the qualifications required by the Charter and by the scope-circular of the examination for which he applies.

Section 2. **CHARACTER AND FITNESS:** Applicants must be of good moral character, of temperate and industrious habits and in all respects competent and fit to perform the duties of the position applied for. No person who has been dismissed from the service of the City and County after a hearing on charges or who has resigned from a position while he is under suspension or while charges are pending against him or whose services had not been satisfactory shall be eligible to participate in any examination except with the consent of the Civil Service Commission obtained at a meeting of the Commission, and any standing secured by examination without such consent shall be void. (Sec. 144.)

RULE 3. APPLICATIONS

Section 1. **NOTICE OF EXAMINATIONS:** Requests for notice of dates when applications may be filed for any examination must be made on printed forms provided by the Commission. When date of examination has been set, notice thereof will be sent to the inquirers, at their risk, by mail. A separate written request must be made for each class.

Official notice of entrance examinations will be published in the official newspaper, and posted on the bulletin board in the business office of the Civil Service Commission and, if further notice is deemed necessary or proper, the same may be ordered by the Commission.

When examinations for promotion are to be held, the Commission will give notice thereof to all persons in positions entitling them, under the scope-circular and the civil service rules, to participate in such examinations, by posting information thereof in the business office of the Commission for a period of ten days and by notifying the departments concerned.

Section 2. **DISTRIBUTION AND RECEIPT:** Application forms shall be distributed only after the date has been set by the Commission for the examination for which they are to be used. They must be filed at the office of the Commission and will be received only during the time indicated in the examination scope-circular.

Under no circumstances shall application forms for any examination be distributed after the closing time for receipt of applications for such examination has passed.

Section 3. **DEFECTIVE APPLICATIONS:** Applications must be filed absolutely in accordance with the conditions stated in the examination scope-circular. Applicants filing applications defective in any particular may be rejected or penalized in examination ratings in accordance with the gravity of such defects.

Section 4. **NOT TO BE RETURNED:** Applications filed with the Commission shall become the property of the Commission and under no circumstances will be returned to applicants or allowed to be altered or added thereto.

Section 5. **UNUSED:** Unless otherwise ordered by the Commission, applications for one examination shall not be used for any other or later examinations.

Section 6. **NO VARIATION IN NAME:** Applicants must give correct and full name in applications and there must be no variation in the applicant's name in any part of the application or in the vouchers.

Section 7. **NAMES NOT TO BE MADE PUBLIC:** The names of applicants for any examination shall not be made public prior to announcement of result of examination. Names of participants who fail in any examination shall not be made public.

Section 8. **FALSE STATEMENTS:** False statements of any kind made or permitted by any applicant in his application or vouchers shall be good cause for the exclusion by the Commission of such person from any examination, the removal of his name from the register of eligibles and for his removal or discharge from the public service.

Section 9. **CERTIFICATION OF EXPERIENCE ON THE APPLICATION FORM:** Applicants must record on their application form a true and complete statement of experience and must take an oath before an officer authorized to administer oaths in this state that such statement of experience is true. (Sec. 144.)

All eligibles for places of employment in the classified civil service must be physically qualified for the positions they seek and unless otherwise ordered by the Commission, shall before certification for permanent appointment, be required to pass satisfactory medical examination before physicians designated for such purpose by the Commission. Eligibles for positions, other than those in the uniformed forces of the Fire and Police Departments, who have passed a satisfactory medical examination before physicians designated by the Civil Service Commission, need not be subjected to further medical examination for a period of six (6) months if within that time they are reached for appointment to other positions where the medical standards are not higher than the medical standards used in the examination previously passed. Eligibles who appear before the medical examiners designated by the Commission, and who fail to pass the required medical examination, shall stand rejected and unless otherwise ordered by the Commission or the Personnel Director and Secretary, such rejection shall apply to any and all eligible lists upon which such eligible may have standing, provided that persons so rejected may thereafter present in writing evidence of medical and physical fitness and may apply to the Commission or the Personnel Director and Secretary thereof, for medical re-examination, and if such re-examination is allowed and the candidate is found to be physically qualified, he may be restored to eligibility. The name of an eligible who is found to have a disqualifying medical defect that is not correctable, may be removed from the eligible list. (PARAGRAPH AMENDED 4/11/52)

The Commission may also require that eligibles for temporary or seasonal appointments shall, before certification for employment present a doctor's certificate showing that they are physically qualified to perform the duties of the temporary position and that they are not afflicted with any infectious disease or any physical defect that would make them repugnant to the public or to fellow employees. Eligibles for permanent appointments who have been rejected in the medical examination, shall also stand rejected for temporary appointments unless otherwise ordered by the Commission. (SECTION AMENDED 6-15-51)

Section 10. LABORERS: Examination of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the qualified register in order of their priority of application. When notified, candidates on the original register shall present themselves for examination. Candidates failing to appear for examination when notified by the Commission shall be removed from the register.

Section 11. PROMOTIONAL: Whenever it deems it to be practicable, the Commission shall provide for promotion in the service on the basis of such examinations and tests as the Commission may deem appropriate, and shall, in addition, give consideration to ascertained merit and records of city and county service of applicants. The Commission shall announce in the examination scope-circular the next lower rank of ranks from which the promotion may be made. All promotions in the Police and Fire Departments, respectively, shall be made from the next lower rank on the basis of examinations and tests, seniority of service and meritorious public service being considered.

(RULE 4 CONTINUED PAGE 4A)



RULE 8. MARKING AND GRADING PAPERS

Section 1. EXAMINATIONS: All examination papers shall be marked and graded in the office of the Commission in accordance with the regulations of the Commission under the supervision of the Chief Examiner. Persons not in the employ of the Commission shall not be permitted to view examination papers that are in the course of rating or to communicate with examiners while they are engaged in the rating of examination papers. All incompleeted examination papers shall be securely locked in the safe or vault of the Commission during any suspension of rating and under no circumstances shall they be left unguarded by the examiners unless so locked.

Section 2. RATING: Unless otherwise provided in the examination scope-circular, each subject shall be marked on a scale of 100. A relative weight shall be given to each subject. The product of the total credits awarded on a subject multiplied by the weight of the subject will constitute the rating on that subject. By dividing the sum of the ratings by the sum of the relative weights, the general average percentage is ascertained. When the "point system" is to be used for rating, the details thereof shall be indicated in the examination scope-circular.

Section 3. DISCONTINUANCE: Whenever a participant fails to secure the passing mark fixed for any part of an examination, or for any subject of an examination, he shall be deemed to have failed, and further rating in such case shall be discontinued. (Sec. 141.)

RULE 9. MINIMUM STANDING

The Commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. (Sec. 145.)

RULE 10. PREFERENCE TO WAR VETERANS AND THEIR WIDOWS

Section 1. "VETERAN" DEFINED: The term "veteran" as used in this rule shall be taken to mean any person who has been mustered into, or served in, the Army, or enlisted in, or served in, the Navy or Marine Corps, of the United States, in time of war and received an honorable discharge or certificate of honorable active service.

Section 2. ENTRANCE EXAMINATIONS: Veterans with thirty days or more actual service, and widows of such veterans, when the passing mark has been attained in any examination, shall be allowed an additional credit of 5 per cent in making up the list of eligibles secured by such examination.

Section 3. PROMOTIVE EXAMINATIONS: In the case of promotive examinations, when the passing mark has been attained, a credit of 3 per cent shall be allowed to veterans or to widows of such veterans.

Section 4. LIMIT TO ENTRANCE AND PROMOTIVE PREFERENCE: In accordance with charter provision, not more than one entrance appointment and one promotive appointment may be allowed to any one person from eligible lists on which the ranking of the employee includes credit for veteran's preference. When an eligible receives such an entrance or promotive appointment and successfully completes his probationary period, such other additional preference credits that have been allowed him on other entrance or promotive eligible lists, as the case may be, shall be automatically cancelled and his rank shall be revised to accord with his relative standing before such additional credits were added.

Section 5. PERMANENT DISABILITY PREFERENCE: When in its judgment it shall seem just and proper, the Civil Service Commission may, for specific city and county services or employments, as determined by the Commission, allow general or individual preference, but not less than 10 per cent, for entrance appointment of veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service, or employment, and provided that such disability is of record in the United States Veterans Administration.

Section 6. TIME FOR CLAIMING VETERAN'S PREFERENCE: Veteran's preference as provided in Section 2 or 3 of this rule shall be claimed at the time of filing application and shall be accompanied by proof of honorable discharge or honorable active service, provided that, with the approval of the Personnel Director an applicant may, upon a showing of good reason therefor, make or withdraw a claim for veteran's preference prior to the actual holding of the written portion of the examination.



Section 7. WARS—PERIODS COVERED BY: The war with Spain began with our declaration of war, April 24, 1898, and ended with the signing of the Treaty of Paris, December 10, 1898.

The war with Germany began with our declaration of war, April 6, 1917, and ended with the Armistice on November 11, 1918.

The war against the Axis Powers began with our declaration of war December 8, 1941, and ended with the presidential proclamation of cessation of hostilities on December 31, 1946.

Section 8. PROOF OF PREFERENCE CLAIM: Veterans should submit with their applications their original discharge (or certificate of active service), or a photostat copy thereof or, if this is not possible, an official record of their military or naval service based upon records of the War or Navy Department. Such document must show the period of active service so as to prove required service in time of war.

Section 9. WIDOWS OF VETERANS: Widows of veterans should submit the following with their applications:

Proof of husband's right to preference;

Marriage certificate or certified copy of church record or affidavit of two witnesses to marriage, or sworn statement of the person who performed the ceremony, so as to prove marriage;

Death certificate or other official record of husband's death, such as certificate of Pension Office or War Risk Bureau, or affidavits of two persons having knowledge of the facts;

Affidavits of two persons certifying that she was not divorced from husband and has not remarried since his death.

Section 10. SURPLUS ABOVE 100 PER CENT: Whenever the additional credit allowed veterans by law shall give a total of more than 100 per cent, the surplus above such 100 per cent shall be used for the purpose of determining the order in which such veterans shall take rank on the list of eligibles, and the candidate having the highest surplus shall take the highest rank. (Sec. 145.)

RULE 11. NOTICE OF STANDING

As soon as the rating of examination papers is completed the eligible list will be adopted and at the closing hour of business on the day the list is adopted a copy of the list will be given to the press and a copy thereof posted on the door (or on the blackboard) of the business office of the Commission. Each participant will be notified of his standing through the post office. No information regarding results of examinations or probable time of adoption of eligible lists shall be given out by telephone. (Sec. 141.)

RULE 13. REGISTERS OF ELIGIBLES

Section 1. **METHOD OF ENROLLMENT:** Successful candidates shall be enrolled upon the "Register of Eligibles" in the order of their relative excellence.

Section 2. **QUALIFICATIONS OF ELIGIBLES:** Eligibles must continue to possess the qualifications required of applicants by Section 1 and Section 2 of Rule 2, or loss of eligibility may follow. (Sec. 145.)

RULE 14. DURATION OF ELIGIBLE LISTS

Section 1. **TWO YEAR LIMIT:** The Civil Service Commission may remove all names from lists of eligibles after they have remained thereon for more than two years from the date of the adoption of the lists that created their eligibility.

Section 2. When a list of eligibles becomes exhausted for temporary or permanent employment before the legal expiration of the list, and a new list of eligibles for the same class is created by examination to supply the demands of the service, said new list shall become a part of the list of eligibles to be certified for appointment to the positions covered by said list; provided, however, that subject to the provisions of Rule 21, those holding places on the first list shall be given preference for appointment until such time as said prior list may automatically expire or the names be removed therefrom by action of the Civil Service Commission. When the prior list has expired by reason of limitation of time, or the names thereon have been removed therefrom by order of the Civil Service Commission pursuant to authority vested in said Commission by the charter, then certification shall be made solely from the latter list.

Section 3. **LIMIT INTERMEDIATE TO TWO AND FOUR YEARS:** The Commission may provide in the scope-circular of any examination that the list of eligibles secured thereby shall automatically expire at a date not less than two, but less than four, years after the adoption of such list.

Section 4. **DATE OF ADOPTION OF LIST:** Changes of rank, or addition or subtraction of names, made on lists of eligibles because of clerical errors or re-ratings, shall not change the date of the adoption of such lists, nor give to any persons the right to claim beginning date of eligibility other than the date of the adoption of the original eligible list that created their eligibility. (Sec. 145.)



RULE 16. INFERIOR POSITIONS

Section 1. DEFINITION: Any position, in any class, which is a part-time position, or an intermittent position, or not a full-time position in terms of annual employment, may, with the approval of the Personnel Director, be termed an inferior position, and eligibles desiring to waive certification for appointment to such position may do so without penalty for consideration for appointment to a regular position. For the purpose of the records of the commission, positions so termed as inferior shall be known as I.P.E.W. positions (Inferior Position, Exempt Waiver). An eligible who accepts appointment to an "I.P.E.W." permanent position shall be entitled to certification for appointment to a regular permanent position in the same class should his rank be reached upon the eligible list for appointment to such regular permanent position.

Section 2. CHANGE IN WORKING TIME: When the working time of an I.P.E.W. position covered by this rule is changed, the appointment made to such position shall, unless otherwise ordered by the commission, become void and the position so changed shall be offered out to the highest eligible on the list of eligibles for the class involved who is willing to accept such changed position.

Section 3. ADVANCEMENT: An eligible who accepts a civil service appointment to an inferior permanent position and serves in that inferior permanent position, continuously, for a period of at least two years may, at the request of his appointing officer and with the consent of the Civil Service Commission, be certified for appointment to a regular position in the same class and under the same appointing officer, provided that the person to be so advanced must be the senior appointee in the department concerned having such standing in an inferior permanent position and must have a record of satisfactory service in said department.

RULE 17. EXEMPT PART-TIME POSITIONS

An exempt part-time position is a part-time position as the same is defined in Rule 17A, the compensation of which, including the value of any allowances in addition thereto, is less than \$80 per month computed on the basis of time worked in proportion to the full time rate for the classification as the same is fixed in the Salary Standardization Ordinance.

RULE 17A. PART-TIME POSITIONS

Section 1. Part-time positions are hereby defined as follows:

Positions requiring a daily work schedule of less than eight hours on a day shift; or positions requiring less than 7½ hours of work on a schedule commencing after 2:00 P.M. and before 6:00 A.M.

Section 2. Provided, that the provisions of section one shall not apply to positions in classifications specifically permitted by the Salary Standardization Ordinance to work a normal 40-hour week within six days.

Section 3. Provided further, that physicians employed in their professional capacity on a call basis or on a regular consultant basis shall not be deemed employed on a part-time basis within the contemplation of this rule.

Section 4. Part-time positions shall be recorded as such by a department head, only with the prior approval of the Civil Service Commission, and, when so recorded, shall be noted as part-time on payrolls, budget estimates, salary ordinance, and related documents.

RULE 17B. INTERMITTENT POSITIONS

Intermittent positions are hereby defined as those positions requiring less than five days of work per week, each of such days, however, to be a full 8 hours on a day schedule, or 7½ hours on a night schedule.

RULE 18. CREATION OF, OR CHANGE IN, POSITIONS

Section 1. CREATION OF: Positions in any department or office of the city and county may be created, as provided by the charter, by appropriation ordinance of the Board of Supervisors. Copy of each such ordinance creating or abolishing positions shall be filed, on the approval thereof, with the Civil Service Commission by the Clerk of the Board of Supervisors. Before the appointing officer shall make recommendation for the creation of any new or additional position in any department or office, he shall request and receive from the Civil Service Commission the proper designation and classification of such position based on the duties and responsibilities thereof, and if such position is included in the classified civil service, the Commission may, in writing, express to the appointing officer and to the Board of Supervisors its opinion as to whether or not such position is needed.

Section 2. CHANGE IN: Immediate notice in writing shall be given to the Civil Service Commission by the appointing officer of each department and office of the City and County of the creation or abolition of any position, or of any change in duties if the position is included in the classified civil service, or of any appointment, resignation, suspension, dismissal or other creation of vacancy therein, or change in assignment from one bureau to another, with the date of any such change. If said appointing officer is also empowered to establish compensation rates or make changes therein, he shall immediately notify the Commission of any such rate or change therein. The Commission shall maintain a record of all such notifications. (Sec. 143.)

RULE 19. REQUISITIONS

Information Needed: (Adopted March 31, 1948) Requisitions for the certification of eligibles shall be made upon forms provided by the Civil Service Commission, and shall be approved by the Controller as to the availability of funds, and by the Mayor before being filled by the Civil Service Commission. Unless otherwise ordered by the Commission, such requisitions properly giving the information requested on the requisition form shall be filled in accordance with their priority of receipt in the office of the Commission. Upon receipt of said approved requisitions, they shall immediately be stamped, in the order of their receipt, with the time clock. A separate requisition shall be made for each permanent position to be filled. Group requisitions may be made only for temporary (or seasonal) positions. Requisitions must be signed by the appointing officer. Upon presentation of satisfactory reason therefor by the appointing officer who issued the requisition, cancellation of the requisition may be allowed by the Civil Service Commission or the Personnel Director and Secretary thereof.

RULE 20. CERTIFICATIONS

Section 1. ONLY ONE NAME TO BE CERTIFIED: In filling requisitions filed in accordance with the provisions of Rule 19, only one name shall be certified for each position to be filled. In the cases of waivers of certification for appointment to either permanent or temporary positions, the eligibles next in line for consideration at the time the requisition involved was received and clocked in the office of the Commission shall be offered the position until said position has been filled. If, in the case of appointments to the Police and Fire Departments, the eligible whose name appears at the top of the list for appointment has not been a resident of the City and County of San Francisco for a period of five years next preceding date of appointment, as required in Sec. 7 of the charter, he shall be deemed ineligible for such appointment.

Section 2. SEX: In making certifications, sex shall be disregarded except when a statute, a rule of the Commission or the appointing officer specifies sex. (Sec. 148.)

RULE 21. WAIVER OF CERTIFICATION

Section 1. MUST BE IN WRITING: (Adopted, March 31, 1948) All waivers of certification must be in writing and must state in detail the cause of waiver and as to whether the position waived is temporary (or seasonal) or permanent. Waiver of certification for appointment to a permanent position shall include waiver of certification for appointment to a temporary (or seasonal) position unless otherwise stated by the person waiving; but waiving of certification for appointment to a temporary (or seasonal) position shall not adversely affect or interfere with the right of the person waiving, for appointment to a permanent position. Waiver of certification shall be effective upon filing notice thereof as herein provided.

Section 2. DEPARTMENTAL: An eligible may, upon furnishing reasons satisfactory to the Commission or Personnel Director and Secretary thereof, permanently waive appointment to a certain department, and such waiver shall be known as "Departmental Waiver" and shall remain in force until the person who so waives has passed another examination for the class of employment waived. When such Departmental Waiver has been allowed the person so waiving shall not be considered for permanent appointment in any department, in the class involved, until the first day of the following calendar month when such waiver takes effect. (Sec. 141.)

Section 2a. Notwithstanding the provisions of Section 2 of this Rule, and in order to facilitate the appointment of persons from regular eligible lists to departments in which they are employed under non-civil service emergency appointment, the Personnel Director and Secretary may, upon the written request of such eligibles, grant departmental waivers to be effective immediately, and such eligibles shall thereupon be considered for appointment to any other department.

Section 3. REGULAR POSITION, EXEMPT WAIVER: Any regular full-time position to which are attached unusual duties not normally to be expected to be performed by an eligible certified to such a position, or unusual working conditions, such as location of the position or unusual hours of work, may be declared by the Personnel Director to be a "Regular Position, Exempt Waiver." Certification to such "Regular Position, Exempt Waiver" may be waived by eligibles without prejudice for consideration for certification to other regular positions. When a position which has been declared by the Personnel Director to be a "Regular Position, Exempt Waiver" becomes vacant, such position shall be treated as a regular position unless the Personnel Director again declares that the position is a "Regular Position, Exempt Waiver."

Section 4. EXEMPT WAIVERS: When an appointing officer indicates on a requisition that the duties of the position to be filled require specialized knowledge and training in subjects or fields recognized by the Commission as being branches of civil, mechanical or electrical engineering, and such specialties are noted on the scope-circular announcing the examination from which the eligible acquired his status as an eligible, appointment under such requisition may be waived, without penalty, by those eligibles who did not possess the required specialized knowledge and training and did not record such special knowledge and training on their application for said examination.

RULE 22. WITHDRAWAL OF WAIVER

Withdrawal of waiver of temporary employment and withdrawal of waiver of permanent employment must be requested separately.

Eligibles desiring to withdraw waivers may do so by filing in writing in the office of the Commission on the proper civil service form not later than the 20th of the month a request to have such waiver withdrawn and by giving assurance in writing that he will accept appointment when again reached for appointment.

Withdrawals of waiver will be effective the first of the month following approval of such requests by the Personnel Director and Secretary provided that if the list of eligibles on which the name of the eligible appears is exhausted the withdrawal of waiver may be effective immediately.

Upon the third request for withdrawal of waiver of permanent and/or temporary employment for any one class, the Civil Service Commission shall make an investigation and determine whether or not the eligible shall be removed from the eligible list concerned.

Misrepresentation regarding withdrawal of waiver shall be considered good cause for removal of the eligible's name from the register of eligibles.

When, in response to an inquiry regarding employment, an eligible has signified his willingness to accept either a permanent or temporary position, if his name is reached and subsequently refuses the appointment when the employment is offered to him on a regular notice of appointment, the waiver then placed against the name of such eligible may be removed only with the special consent of the Civil Service Commission.

RULE 23. FAILURE TO RESPOND

Section 1. **PERMANENT POSITION:** Except as otherwise provided in this rule, failure of an eligible to respond within three (3) days to a notice of inquiry or notice of probable appointment relating to appointment to a permanent position, shall automatically place such eligible under waiver of appointment for both permanent and temporary position until withdrawal of such waiver is allowed by the Civil Service Commission under the provisions of Rule 22—Withdrawal of Waiver.

For purposes of this rule the term "respond within three days" means that the response, either by letter, telephone or in person must be received in the offices of the Civil Service Commission during regular business hours within three days (Saturdays, Sundays, and legal holidays excepted) after the date of mailing of the notice of inquiry or notice of probable appointment. In the case of a notice sent to an eligible who is not a resident of San Francisco the Personnel Director and Secretary may extend the time in which to respond to include a reasonable time for the receipt of mail.

Section 2. **TEMPORARY POSITION:** As requisitions for eligibles for appointment to temporary positions usually require that the eligibles must report immediately, an eligible sent notice of inquiry or notice of probable appointment regarding a temporary position must respond promptly; and if such response is not received by the Civil Service Commission from the eligible personally, or by messenger, or by mail or telephone before 4 o'clock P.M. on the second day after the date of mailing of the notice (Saturdays, Sundays, and legal holidays excepted), the eligible involved shall then automatically be placed under waiver of temporary employment until withdrawal of such waiver is allowed by the Civil Service Commission under the provisions of Rule 22—Withdrawal of Waiver.

Section 3. **"HOLDOVER:"** A "holdover" who fails to report for duty within three days (Sundays and legal holidays excepted) when notified to do so by the Civil Service Commission, will be subject to the penalty provided in "Rule 33—Absence from Duty Without Leave," provided that a holdover may waive his right to return to duty under a temporary appointment in accordance with the provisions of Section 5 of Rule 26.

Section 4. **CHANGE OF ADDRESS:** In all cases of change of address, the Civil Service Commission must be notified in writing separately and directly, for each class involved. Notice of change of address to the U. S. Post Office only will not be deemed a reasonable excuse for special consideration in case of tardiness of reply.

Section 6. RESIDENCE OF APPOINTEES AND EMPLOYEES:

Applicants, eligibles and appointees shall possess the residential qualifications as prescribed in Section 7 of the Charter.

Officers and employees of the City and County whose usual and major duties are performed at locations within the city and county shall continue to be residents of the city and county during incumbency of such office or employment, except as follows:

(a) Any officer, other than an elected officer, or employee may reside outside the city and county upon authorization granted by the Retirement Board on account of the ill health of the said officer or employee, or the ill health of a member of the immediate family of such officer or employee. Such authorization and any modification or termination thereof shall be filed in the office of the Civil Service Commission.

(b) Occupants of positions requiring expert or technical training may, on the recommendation of the department head and the Mayor and with the approval of the Civil Service Commission and the Board of Supervisors, be exempted from the residential requirements of the Charter. Such exemption of residential requirements shall be governed by the terms and the time limitations as established by resolution of the Board of Supervisors.

Officers, other than elected officers, and the employees of the city and county who are occupying positions the usual and major duties of which are performed at locations outside the city and county may establish or maintain residence outside the city and county at a place convenient to their place of employment during the occupancy of such position outside the city and county, provided that (a) such officers and employees who at the time of original appointments were residents of the City and County of San Francisco shall continue to have all civil service rights to the same extent as though they had continued to be residents of San Francisco; (b) where competent citizens who are residents of the City and County of San Francisco cannot be secured to fill positions located outside the city and county then non-resident citizens may be appointed to such positions and such non-resident citizens may continue to be non-residents during the incumbency of such employment but they shall not because of such appointment gain any right to appointment or transfer to positions located within the City and County of San Francisco.

A resident within the intent and purpose of this rule means one who actually lives within the city and county and maintains an abode therein where such resident with his family, if any, customarily spends the night; provided, however, that residence outside the confines of the city and county for a period not to exceed three months in any calendar year, or absence of a resident from the city and county upon any bona fide journey, whether for business or pleasure, and for whatever length of time, or absence of a resident while in the performance of any duties as an elected or appointed official or employee for the State of California or government of the United States shall not be within the contemplation of this section.

Any officer or employee who ceases to be a resident of the city and county as defined and required by Section 7 of the Charter, shall be removed from his office or employment. (SECTION AMENDED 3-28-52)

Section 7. CHANGE OF ASSIGNMENT OF DUTIES: No person shall hold a position outside of the classification to which he has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which his chief may temporarily assign him. Such temporary assignments, the reason therefor and the period thereof shall be immediately reported to the Civil Service Commission for approval and recordation. Provided that the assignment for a minor portion of the work day of duties which are enumerated in a different classification but which are generally related to the regular duties of the employee will be approved when assignment of such duties is in the interest of service and economy. Any assignment of such duties shall be reported immediately to the Civil Service Commission for approval and such report shall contain the nature of such duties and the reason for assignment of the duties.

Section 8. APPOINTMENTS TO TEMPORARY CIVIL SERVICE POSITIONS: In order to make possible the prompt filling of temporary positions by the Civil Service Commission, and for the purpose of conserving the time of the appointing officers in the matter of instructing employees in temporary positions, eligibles accepting appointment to temporary positions, regardless of the working hours attached thereto, must do so with the understanding that, while the temporary appointment accepted lasts, they will be deemed to be automatically under waiver of temporary appointment in all other classes of employment in which they have eligibility; provided that an appointment to a "temporary regular position, exempt waiver" or to a "temporary inferior position" may be waived without penalty.

Relinquishment of a temporary appointment of any kind, in any class, shall cause the appointee involved to be immediately and automatically placed under waiver of temporary appointment in all classes of employment and such waivers may be withdrawn only in accordance with the rule on withdrawal of waiver. (Rule 22.)

An employee under permanent appointment in one class shall not be considered for temporary appointment from a list of eligibles to an entrance position in another class unless such temporary appointment is approved by the Personnel Director and Secretary as being in the best interest of the service and then only if such temporary appointment is in the same department in which the eligible holds permanent appointment.

An employee under permanent appointment shall not be certified for temporary appointment in another department from a list of eligibles established by promotive examination, unless the appointing officer of the department in which the employee holds permanent appointment approves a leave of absence for the employee.

Section 4.1. Any person who has been blanketed into his position by charter provision (excepting those persons blanketed into the city and county service under the authority of Section 125 of the Charter) who has been laid off because of replacement, lack of work, lack of funds, or for purposes of retrenchment, may in accordance with his civil service seniority based on the date of blanketing into civil service, be returned to a vacancy under the same appointing officer in the classification from which he had been normally promoted, as indicated by the official record of his employment history filed with the Civil Service Commission when he was blanketed into city service. A person reduced in rank under this section shall, for a period of four years thereafter, be preferred for reinstatement in accordance with his civil service seniority to the position from which he was reduced, and if not reinstated during such period may reestablish his eligibility and standing only by examination.

Section 5. **HOLDOVERS:** Any appointee who has served his probationary period in a permanent position, or any person who has been blanketed into his position by charter provision, who has been laid off because of lack of work, lack of funds, or for purposes of retrenchment, shall, during such lay-off, be termed a holdover and, according to his civil service seniority as a permanent appointee in his class under his appointing officer, shall be returned to duty in such classification and under such appointing officer when a vacancy either of a temporary or permanent character exists, provided that such a holdover may, with the consent of the Civil Service Commission, waive his right to return under a temporary appointment if he is permanently employed outside the City and County Service, and provided further that such holdover may not thereafter withdraw his waiver of a temporary appointment without the special consent of the Civil Service Commission.

During the period that such appointee shall have such status of "holdover" he shall be preferred in his class over eligibles on current lists for transfer to temporary employment under appointing officers other than the one under whom he has status as a permanent appointee. Preference in making such temporary transfers, and lay-offs therefrom, shall be given to the "holdover" that has had the greatest length of service under civil service permanent appointment, in the class involved; provided that the date of "civil service permanent appointment in cases of persons that have been blanketed into their positions by charter provision shall be the date upon which they secured such standing." Resumption of the position, in which such "holdover" has permanent standing shall automatically cancel such temporary transfer and he shall then return to his said regular position.

A "holdover" shall also be entitled to permanent transfer under and subject to the provisions of Rule 34 as though he were still employed in his regular permanent position. Acceptance by a "holdover" of a permanent transfer to a permanent position shall immediately, by such acceptance, automatically cancel all rights held by such "holdover" in and to the position from which he was transferred.

Whenever ties in seniority of service occur, the Civil Service Commission shall determine which appointees shall be preferred.

If the position in which a holdover acquired holdover status is not resumed or reestablished within a five year period, the holdover status of such employee and all privileges as as such, as defined in this section, shall cease; provided, however, if such holdover has served for a substantial period of time during the five year period under temporary appointment in the department and class from which he was laid off, after a review of all of the circumstances, and if the facts and circumstances warrant, the Commission may extend the holdover status of the holdover for such specified period of time as it may deem proper.

Section 6. **WAR LAY-OFF:** Regardless of any other provisions of this rule, an employee under civil service status in the municipal government may request a lay-off from his permanent position without regard to seniority to accept full time employment either in a government agency or war industry in work wholly connected with the war effort, and the Civil Service Commission may grant such request subject to the following conditions:

(a) that no replacement is necessary and no replacement will be made of such employee during the period of said lay-off;

(b) that in the judgment of the Civil Service Commission the services of such employee are not needed in a position of the same class in another department;

(c) that the appointing officer shall approve the request of the employee for lay-off;

(d) that such lay-off is valid only while the employee granted such lay-off is employed in full time work wholly connected with the war effort and may be cancelled or rescinded by the Civil Service Commission upon one month's notice to such employee who has been granted such lay-off; and

(e) employees who are reached for regular lay-off as provided in section 2 hereof while on war lay-off shall thereafter be governed by section 5 of this rule.

RULE 26. REDUCTION IN FORCE

Section 1. **APPOINTIVE JURISDICTION:** Reduction in force in any class shall be treated separately under each appointing officer. In other words, reduction in any class made under one appointive officer shall have no affect on persons appointed in such class under another appointing officer.

Section 2. **PERMANENT POSITIONS:** Whenever it becomes necessary for an appointing officer to reduce the number of persons employed under his jurisdiction in permanent positions in any class, such persons shall be laid off or relieved from duty in the inverse order of their certification in his jurisdiction and shall be entitled to such rights as are provided in Section 5 of this rule: provided that—

(a) The dates upon which persons were blanketed into their positions by provisions of the Charter shall be deemed to be the dates upon which their Civil Service appointments began, and where ties exist in such dates, the appointing officer may determine the order of precedence for lay-off, but when such order of precedence has once been fixed it shall not thereafter be changed except with the consent of the Civil Service Commission; provided further that the date of appointment of a person blanketed into his position under authority of Section 125 of the Charter shall be the date of employment in the private utility in the position in which he acquired civil service status.

(b) When persons have been appointed through requisitions specifying sex they shall be laid off by sex in the inverse order of their certifications; but, in cases where the probationary periods have been served in permanent positions, no lay-off of one sex shall be made for the purpose of substituting the opposite sex on the same work.

(c) Lay-off of employees caused by the return of an employee or eligible from military service shall be in the inverse order of certification without regard to sex, except where appointing officers shall show cause, and the Commission shall approve, lay-off shall be made by sex in inverse order of certification in order to retain in the service employees of the sex best suited to perform the duties of particular positions.

Section 3. **TEMPORARY (OR SEASONAL) POSITIONS:** Whenever it becomes necessary for an appointing officer to reduce the number of persons appointed by him to temporary (or seasonal) positions in any class, such persons shall be laid off or relieved from duty in his jurisdiction according to their rank on the list of eligibles—the lowest in rank to be laid off first; and their names shall be returned to their places on the list of eligibles from which they were appointed, provided their eligibility still exists, and subject to the one-day limitation of Section 4, Rule 15. Reports of lay-off in temporary (or seasonal) positions should be made immediately to the Commission in order that the eligibles laid off may promptly be certified for other temporary appointments.

Section 4. **PROMOTIVE POSITIONS, PERMANENT APPOINTMENTS:** Whenever through lack of work or lack of funds, or because of retrenchment, a person becomes separated from a position he has held through a promotive appointment, such person shall be returned to the position from which he has been promoted or to the permanent appointment held immediately prior to such promotive appointment and, if necessary, for this purpose, a reduction in force in the classes affected shall follow in the inverse order of the appointments made in such classes. A person reduced in rank under this section shall, for a period of five years thereafter, be preferred for reinstatement to the position from which he was reduced, and if not reinstated during such period his rights thereto as provided in this rule shall cease and he must reestablish his eligibility and standing by new examination. Upon recommendation of the Personnel Director and Secretary, the Civil Service Commission may, in cases where circumstances warrant, order that the provisions of this rule shall apply to an employee who is appointed to a position in a related and higher classification normally promotive from the classification in which such employee had permanent civil service standing, even though the examination for the higher classification was not held as a promotive examination. The provisions of this rule shall also apply to persons who are appointed to higher classifications even though the examinations for such higher classifications were not promotive examinations as defined in these rules when such appointments are vice persons on leave or vice eligibles who have appointment rights based on military service in accordance with the provisions of Section 153 of the Charter. The provisions of this section shall apply to persons blanketed into their positions under authority of Section 125 of the Charter and the dates of appointments of such persons shall be the dates of employment in the private utility.

Section 7. **SPECIAL CERTIFICATIONS:** Regardless of any other provisions of this rule, an employee certified on a requisition requiring special education, training, or experience in a position in Division F-Engineering Service, pursuant to the provisions of Section 4 of Rule 21, shall be laid off when the work requiring such special qualifications is completed, provided that such appointees shall have rights to continued employment within their classification in positions where a specialty is not required if there are employees in such positions who have a later date of appointment and who have lower eligibility standing. ("Lower eligibility standing" refers also to employees in such positions who though having a higher ranking on the eligible list were under waiver for appointment to such positions).

RULE 27. RELINQUISHMENT OF POSITIONS

Section 1. **TEMPORARY POSITIONS:** Any person holding a civil service temporary position, whose services therein have been satisfactory, may, with the consent of the appointing officer and the Civil Service Commission or the Personnel Director and Secretary thereof, relinquish such position, but such relinquishment will be treated as a waiver of temporary appointment in all classes of employment until such waiver is withdrawn and the withdrawal is allowed under the rule relating to withdrawal of waivers. Requests to relinquish a position shall be made on forms provided by the Civil Service Commission.

Section 2. **PERMANENT POSITIONS:** Any person serving in a permanent position under probationary or permanent appointment, whose services have been satisfactory may, with the consent of the appointing officer and the Civil Service Commission or the Personnel Director and Secretary thereof, relinquish said position.

Requests to relinquish a position shall be made on forms provided by the Civil Service Commission and when approved shall be subject to the following conditions:

(a) That he immediately surrenders all rights in and to the position relinquished, and shall take standing on the current list of eligibles for the class involved according to his examination score, and shall hold such eligibility only for the duration of such current list of eligibles, and shall be subject to removal from such current list of eligibles under the two-year provision of Section 145 of the Charter:

(b) That he shall not again be considered for appointment in the same class under the same appointing officer, except as a new eligible, and then only with the permission of the Civil Service Commission and the written consent of such appointing officer; and

(c) That he shall not be considered for any appointment under any other appointing officer, in the class of position relinquished until thirty days have elapsed after the day the relinquishment is allowed by the Civil Service Commission or the Personnel Director and Secretary thereof, and when thereafter appointed shall be treated as a new appointee and shall serve a new probationary period. (Sec. 141.)

RULE 28. RESIGNATION

Section 1. **FORM OF:** Each resignation shall be made on a form provided by the Civil Service Commission, and must contain the full name of the person resigning the class number and class title of the position from which he resigns, his reason for resigning, a statement that he resigns freely and voluntarily, and a statement of the appointing officer as to whether or not his services have been satisfactory.

Section 2. **ACCEPTANCE AND APPROVAL OF ACCEPTANCE:** Before a resignation shall become effective, it must be accepted by the appointing officer and its acceptance must be approved by the Civil Service Commission or the Personnel Director and Secretary thereof. After a resignation has been accepted by the appointing officer, it shall immediately be forwarded to the Civil Service Commission. When a resignation has been approved by the Civil Service Commission or the Personnel Director and Secretary thereof, the separation shall be final and cannot be reconsidered.

Section 3. **DETAILS OF UNSATISFACTORY SERVICE:** When service has been unsatisfactory in the case of a person whose resignation has been accepted by the appointing officer, a detailed statement of the unsatisfactory service shall accompany such resignation when forwarded to the Civil Service Commission for its action.

Section 4. **PENALTY FOR UNSATISFACTORY SERVICE:** The names of persons who resign from their positions while charges are pending against them or while they are under suspension, or who, for any other reasons, in the judgment of the Civil Service Commission, had not been giving satisfactory service, shall be removed from all registers of eligibles, and shall not be permitted to participate in any examination, unless otherwise ordered by the Civil Service Commission because of extenuating circumstances. (Sec. 141.)

RULE 29. SUSPENSION AND DISMISSAL

Section 1. CHARTER PROCEDURE: (Adopted: April 7, 1948) No person employed under the Civil Service provisions of this charter, exclusive of members of the Police and Fire Departments as provided under section 155 of the charter, in a position defined by the Civil Service Commission as "permanent" shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Pending such hearing, the appointing officer may suspend the person so accused: but such suspension shall not be valid for more than thirty days, unless hearing upon the charge shall be delayed beyond such time by the act of the accused person. When charges are made, the appointing officer shall, in writing, notify the person accused of the time and place when the charges will be heard, by mailing such statement to his last known address. The appointing officer shall publicly hear and determine the charges, and may exonerate, suspend, or dismiss the accused. If the employee is exonerated the appointing officer may, at his discretion, remit the suspension and may order payment of salary to the employee for the time under suspension, and the report of such suspension shall thereupon be expunged from the record of service of such employee. The Civil Service Commission shall immediately be notified of the charges when made, of the hearing, and of the finding thereon. The findings of the appointing officer shall be final, unless within thirty days thereafter, the dismissed employee appeals to the Civil Service Commission. The appeal and all proceedings shall be in writing and shall briefly state the grounds therefor. The Civil Service Commission shall examine into the case, and may require the appointing officer to furnish a record of the hearing and may require in writing any additional evidence it deems material, and may thereupon make such decision as it deems just. The order or decision of the Commission upon such appeal shall be final and shall forthwith be enforced by the appointing officer. If the Civil Service Commission shall reverse or alter the findings of the appointing officer, it may, in its discretion, order that the employee affected be paid salary from the time of his discharge or suspension.

The Civil Service Commission may hear and determine any charge filed by a citizen or by the authorized agents of the Commission when the appointing officer neglects or refuses to act. Removal or discharge may be made for any of the following causes: Incompetence, habitual intemperance, immoral conduct, insubordination, discourteous treatment of the public, dishonesty, inattention to duties, or engaging in prohibited political activities.

The appointing officer may for disciplinary purposes, suspend a subordinate for a period not exceeding thirty days; and suspension shall carry with it the loss of salary for the period of suspension. The suspended employee shall be notified in writing of the reason for such suspension, and if the suspension be for more than five days the employee shall, at his request, be given a hearing by the appointing officer. The decision of the appointing officer in all cases of suspension for disciplinary purposes shall be final.

Section 2. NOTICE TO BE FILED: Notice of dismissal of a Civil Service employee by the appointing officer shall be filed immediately in the office of the Civil Service Commission. The notice shall be in the form provided by the Commission and shall state the cause of such removal, the date of the filing of charges and the date of the hearing, and shall be authenticated by the signature of the appointing officer or his authorized representative.

Section 3. FORM AND GROUNDS FOR APPEAL: Any appeal from an order of dismissal, exclusive of members of the Police and Fire Department, shall be filed in duplicate with the Civil Service Commission within thirty days from the date of the finding of the appointing officer upon the charges for dismissal. Such appeal must be in writing on the form provided by the Civil Service Commission, and must briefly and clearly state the reasons upon which it is based. Appeal may be entertained upon any of the following grounds:

- (a) That the dismissal was made upon cause not covered by Section 154 of the charter;
- (b) That the evidence was insufficient to support the charge;
- (c) That new evidence has been discovered, which the employee did not have an opportunity to present at the hearing of the charges, and which, if heard, would probably have produced a different decision. (Such new evidence must be stated in substance, and names and addresses of new witnesses given.)

Section 4. COPY OF APPEAL TO BE TRANSMITTED: One copy of the statement of appeal shall be transmitted to the appointing officer from whose decision the appeal is made. The appointing officer shall be allowed fifteen days in which to file an answer, and may, by a special order of the Commission, be granted further time, not exceeding ten days.

Section 5. CHARGES FILED BY CITIZEN: Charges filed against any Civil Service employee by a citizen or by an investigator employed by the Civil Service Commission shall be made in writing upon forms provided by the Commission and verified on oath before the secretary of the Commission or some other person authorized by law to administer oaths for general purposes. The Complaint must show that the conduct complained of has been brought to the attention of the appointing officer, and that for a period of thirty days he has refused or neglected to act. In each complaint shall be set forth the name of the accuser and the accused and a brief statement of the cause on which removal is asked; and if an offense be charged the complaint shall set forth with particularity the time and place of commission. A copy of the complaint shall be sent the accused by registered mail to the last address furnished by him to the Commission, together with notice that he has ten days to file a verified answer. Such period of ten days may be extended by written order of any of the Commissioners for periods not longer in the aggregate than twenty days. A failure to file an answer within the time allowed shall be construed as a waiver of trial by the accused, and the Commission may try the charges ex parte and without further notice to the accused. When the accused files an answer within the time fixed, a day shall be set for the trial, which shall not be less than five days thereafter, and the accuser and the accused shall be notified. The Finding and decision of the Commission upon such trial shall be final, unless a rehearing be granted within thirty days.

Section 6. EFFECT OF DISMISSAL: Any Civil Service appointee, dismissed from employment for cause, shall, unless otherwise ordered by the Commission within thirty (30) days from the date of such dismissal be removed forthwith from all eligible registers, and shall not be permitted to participate in any examination except with the consent of the Commission. (Sec. 154.)

RULE 30. ANNUAL VACATION

Section 1. EMPLOYEES ENTITLED TO VACATION: Every employee in the city and county service, except certificated employees in the Board of Education, shall be allowed an annual vacation as provided herein as long as he remains in the city and county service.

Section 2. DURATION OF VACATION AND COMPENSATION THEREFOR: After one year's service employees shall be allowed a vacation of two calendar weeks, and the compensation paid to employees during the vacation period shall be the amount the employee would earn during his vacation period if working at his current rate of pay and work schedule without the inclusion of overtime earnings.

After five (5) years' service every person employed in the city and county service shall be allowed, as long as he continues in his employment, a vacation with pay of fifteen (15) days annually, calculated as hereinafter provided. For the purpose of computing vacation time each employee shall be considered to work five (5) days each week, and holidays occurring within any such five days shall be considered as working days. For the purpose of computing vacation pay, no employee shall be considered to work more than five days each week and pay for holidays occurring on any of such fifteen (15) days shall be computed on a straight time basis.

The calculation of vacation allowance shall be further subject to the following provisions:

(a) That one day's pay shall be deducted from the vacation allowance for each thirty days of absence without pay in excess of sixty days of absence without pay since the preceding vacation (or in the case of the first vacation, since the date of appointment), which absences in both cases shall be cumulative, provided that days of absence covered by Workmen's Compensation, sick leave with pay or days of absence up to two months of sick leave without pay, or any days of absence because of inclement weather, shall not be charged against the vacation allowance.

(b) That employees who, in accordance with the charter provisions, have been suspended for disciplinary purposes shall have deducted from their vacation allowance one day's pay for each thirty days of such suspension since the preceding vacation (or in the case of the first vacation, since the date of appointment).

(c) That employees of the Municipal Railway who are paid a "range" time shall receive compensation for such "range" time while on vacation, provided that such vacation compensation for their regular work schedule plus "range" time shall not exceed eight hours per day.

(d) That no deduction shall be made from vacation compensation on the presumption that if the employee had been on duty he would have laid off because of inclement weather.

(e) That a calendar week for the purpose of this rule is hereby defined as seven consecutive days, which may begin on any day of the week.

(f) For purposes of calculation of vacation allowance, absence from the city and county service while on duly authorized leave or separation from the city and county service of a regular permanent civil service appointee because of layoff due to lack of work or funds, shall not cancel service had prior to such authorized leave or layoff. An employee who resigns, or relinquishes his position, or an employee whose appointment is terminated, or a temporary employee who is laid off because of lack of work or funds, and who is not reappointed to a position in the city and county service within six (6) months, shall not be entitled to credit for vacation allowance for the period of service prior to such resignation, relinquishment, termination of appointment, or lay-off.

Section 3. VACATION SCHEDULES: Vacation schedules shall be arranged at the discretion of the appointing officer, with particular regard to seniority of employees and the needs of the service, and insofar as possible with regard to the wishes of the employee; provided that employees shall not divide their vacation allowance into periods of less than seven consecutive days except where less than seven days of vacation are due; provided further that no employee shall be denied a vacation to which he is entitled; and provided further that no employee shall be allowed a vacation prior to the first anniversary of his employment. No employee shall be allowed more than one vacation in any calendar year, except that when, in the case of the first vacation, the date of the first anniversary of employment falls within the last two weeks of the calendar year, the employee shall be allowed to start his vacation within such two-week period prior to the end of the calendar year and complete such vacation in the following calendar year provided that such vacation time shall be continuous and such vacation shall not bar the employee from vacation during the second year of service.

Section 4. VACATION FOR EMPLOYEES OCCUPYING TEMPORARY POSITIONS: Employees occupying positions defined by the rules of the Civil Service Commission as temporary positions shall be governed by the provisions of this rule, except as herein provided. Temporary employees must establish their right to vacation by the completion of a year of continuous service from the date of appointment. For the purpose of this section, a continuous year of service shall be considered to be continuous when within such year an employee has served 11½ months under certification, and/or emergency appointment, and/or appointment exempt from civil service. Temporary employees who have completed a year of continuous service (and who are thereby eligible for the two weeks' vacation) shall thereafter, for intermittent temporary service, be allowed one day of vacation for each thirty days of temporary service, such days of vacation to be cumulative, provided:

(a) That vacation earned within the twelve-month period dating from the completion of the first year of continuous service (and in subsequent years the anniversary of such date) shall be taken during the eighteen-month period following the date (or anniversary) of the completion of the first year of continuous service.

(b) That vacation as provided under this section shall not exceed in any calendar year the vacation allowance as provided in Section 2 of this rule.

(c) That vacation allowance shall not be approved if the vacation period is not covered by proper certification and appointment.

Section 5. VACATION TIME NOT TO BE USED TO WORK FOR PAY ELSEWHERE: Employees shall not accept paid employment elsewhere while on vacation. If any employee does accept paid employment while on vacation, he shall forfeit the vacation compensation to which he is otherwise entitled under this rule; provided, however, that because of the present urgent need for utilization to the fullest extent of all manpower and womanpower available for the prosecution of the war and for the production of war materials and equipment and for the harvesting of crops and for the production of foodstuffs for the support of the people of the United States, municipal employees, while on vacation from this municipal employment, may accept other employment which is essential to the prosecution of the war and for the production of war materials and equipment and for the harvesting of crops for the production of foodstuffs for the support of the people of the United States, or directly connected therewith subject to the following conditions:

(a) Such employees shall, before accepting such employment, file with the Civil Service Commission a statement setting forth:

- (1) The nature of the proposed employment;
- (2) The name of the employer;
- (3) A statement that the employer understands that the services of the municipal employee are to be available only during his vacation period; and
- (4) A statement to the effect that there are not other persons available for employment who possess the particular skill and qualifications of said municipal employee who is on his vacation and that his services are necessary to enable the

particular employer to carry on the work of producing war materials and equipment, or for the harvesting of crops or for the production of foodstuffs for the support of the people of the United States; any employee of the City and County of San Francisco making a false statement in this regard shall be deemed guilty of dereliction of duty.

(b) The Civil Service Commission shall determine that the proposed employment of said municipal employee on vacation is essential to the prosecution of the war and necessary for the production of war materials and equipment or for the harvesting of crops for the production of foodstuffs for the support of the people of the United States, and should any vacationing municipal employee be notified that said Civil Service Commission has determined to the contrary, it should be the duty of said employee to abandon his said vacation employment.

(Adopted 1-3-51. Effective 3-3-51 under Ordinance 6531. Sections 375 to 381 Municipal Code.)

RULE 30A. TIME OFF TO COMPENSATE FOR OVERTIME WORKED—MONTHLY EMPLOYEES

Section 1. The term 'emergency overtime in excess of their normal work schedules' is hereby defined to mean the time worked in excess of regular work schedules as provided by the Annual Salary Ordinance. Time worked on legal holidays as designated in the said ordinance shall be treated as overtime worked, provided, however, that employees in services commonly operating seven days per week, shall not be compensated for overtime on such holidays, but shall be allowed time off in lieu thereof, as provided in said ordinance.

Section 2. Time off equal to overtime worked may, on the recommendation of the appointing officer, and with the approval of the Civil Service Commission, be allowed to monthly employees whose classifications are included in the list of classes specifically denied additional compensation for overtime under the Annual Salary Ordinance.

Section 3. Overtime worked by employees referred to in Section 2 hereof shall be reported to the Civil Service Commission by the appointing officer on forms provided by the Civil Service Commission.

Section 4. The fixing of dates for the allowance of equal time off for overtime shall be at the discretion of the appointing officer, but such time off may not be allowed after the close of the fiscal year within which the overtime was worked, provided that upon the filing of written satisfactory reasons by the appointing officer as to why, in certain cases, equal time off cannot be allowed within the fiscal year in which the overtime was worked, the Civil Service Commission may permit such equal time off to be taken in the first or second months of the following fiscal year.

Section 5. All time off allowed because of overtime worked shall be indicated in hours on timerolls, and by the letters—OW.

Section 6. No part-time employee shall be allowed to accumulate time off for overtime worked.

RULE 30B. OVERTIME FOR MONTHLY EMPLOYEES

Section 1. Employees occupying positions allocated to classifications for which compensations are fixed in the Salary Standardization Ordinance on a monthly basis, or on a per diem basis not covered by the provisions of the Annual Salary Ordinance, shall be paid overtime on an hourly basis of one and one-half times the normal rate of pay, when required to work emergency overtime in excess of their regular work schedules, or when required to work on holidays designated in the Annual Salary Ordinance; provided that such emergency overtime shall not be paid for overtime worked by executive or administrative employees.

Section 2. The term 'regular work schedules' is hereby defined as including the following:

- (a) A normal work week of 8 hours per day, five days per week;
- (b) A normal work week (night shift) of 7½ hours per day, five days per week, such shift commencing after 2:00 P.M., and prior to 6:00 A.M.; or
- (c) Work schedules in excess of 8 hours per day, five days per week up to and including 6 days of eight hours on day shifts, or in excess of 7½ hours up to and including 8 hours per day, and after 5 days of 7½ hours up to and including six days of 8 hours on night shifts, when worked under the authority of the Salary Ordinance.

Section 3. Time worked on Saturday morning as part of a reduced crew in departments which are required to be open on Saturday morning for the conduct of public business shall not be treated as overtime worked, but employees so working shall be granted one-half day off in the same or the succeeding week in lieu of the half-day worked on such Saturday morning.

Section 3a. When the Salary Ordinance shall specifically provide that work on Saturday in excess of 40 hours a week, other than as part of a reduced Saturday morning crew as provided above, shall be compensated by equal time off instead of by extra compensation, such equal time off shall be granted by the appointing authority as provided in Section 4 of Rule 30A. Such overtime worked shall be recorded and indicated on timerolls by the symbol "OE" in the manner prescribed for reporting administrative overtime. Time off for overtime worked shall be recorded and indicated on timerolls by the symbol "OU."

Section 4. Absence from duty because of leave with pay, military leave, annual vacation, or legal holidays generally recognized and approved by the department shall be considered as time worked in computing a work week for overtime purposes.

Section 5. Payment for overtime worked shall be at hourly rates fixed in a schedule established by the Civil Service Commission for such purpose. No employee shall be compensated for overtime worked as herein provided except on the specific approval of the appointing officer and unless funds are available to pay for such overtime worked, or unless an actual emergency exists as provided by law.

Section 6. Overtime compensation shall be shown separately on supplemental timerolls opposite the name of the employee. Each such timeroll shall indicate the actual hours and dates on which the overtime was worked, the overtime hourly rate and total overtime compensation earned, a detailed statement of the duties performed and the reasons why such duties could not have been performed during the normal work week, and such other information as is generally indicated on regular timerolls.

Section 7. No employee shall be paid for overtime worked as herein provided unless the duties performed by him during such overtime worked are performed at the regular office or location of the position of the employee involved, and the work performed is included in the duties statement of the employee's Civil Service classification, provided, that when work in a department must be completed within time limits fixed by law and the Civil Service Commission determines that no unemployed person or persons are available to perform the work and approves the assignment of employees in that department, or other departments, to perform the work under the provisions of Section 141 of the Charter, said employees may be paid overtime at their regular rate of pay for any overtime worked in excess of 8 hours in the performance of the duties to which assigned.

Section 8. If and when the Civil Service Commission determines that overtime payments in a department are excessive and finds that the required work can be performed to better advantage and more economically than through overtime work, the Civil Service Commission shall so report to the Board of Supervisors in order that the said Board may consider the advisability of establishing additional employments in such departments, or take such other action as may be deemed advisable.

Section 9. The Civil Service Commission shall submit to the Board of Supervisors each month a report showing the amount of overtime compensation approved by each appointing officer for the preceding month under the provisions of the Annual Salary Ordinance.

RULE 31. LEAVES OF ABSENCE, WITHOUT PAY

Section 1. HOW GRANTED: Requests for leaves of absence without pay may be granted by the appointing officer under the provisions of this rule, but shall not become effective until approved by the Civil Service Commission.

Section 2. REQUEST FOR: Requests for leaves of absence without pay must be made on forms provided by the Civil Service Commission, and, when applied for under Section 3 of this rule, must show the following:

- (a) That the position from which the leave is sought is a permanent position and that the applicant has served his probationary period therein;
- (b) The reason of the applicant for desiring the leave.

Section 3. WHEN LIMIT IS SIX MONTHS: Leave of absence to any officer or employee for the purpose of leaving the City and County, taking a position outside of the City and County service, or accepting a position in some department or office of the City and County other than the one in which he is employed and where the duties are in no way related to the duties covered by his civil service classification, shall be limited to six months and may not be extended beyond that time by renewal. After the employee has been on leave for an aggregate of six months, under the provisions of this section, and has returned to duty, no subsequent requests for leaves of absence for the purposes recited in this section shall be made by the employee or approved by the Civil Service Commission except—

(a) if the employee has been actually occupying a civil service position and continuously performing the duties thereof for a period of at least one year immediately prior to his latest request, and

(b) if the intent of the Charter and this Rule, namely, to prevent employees' retaining status in their civil service positions for unduly long and extended periods while occupying other positions in or out of the San Francisco municipal service, is not circumvented by the granting of such leave.

Section 4. WHEN WITHOUT LIMIT: (a) No limit shall be placed on a leave of absence granted to enable an officer or employee to accept promotion to a non-civil service position, or promotion to correlated work in another department or office of the City and County, or while serving under a limited tenure appointment as defined under Section 145.1 of the Charter in another classification.

(b) Sick leave, not subject to pay benefits, may be allowed for the period of the illness; provided that such sick leave may be terminated when in the judgment of the Civil Service Commission its further continuance would be detrimental to the service.

(c) Leaves of absence for sea duty as a licensed officer aboard ships operated by or for the United States Government shall be granted to officers and employees of the City and County of San Francisco, and non-certificated officers and employees of the San Francisco Unified School District in time of emergency declared by the President of the United States or by the Congress, or while any Act authorizing compulsory military service or training is in effect. Upon the expiration of a leave of absence granted under this section, the employee shall present to the Civil Service Commission proof that during such leave of absence he served continuously as a licensed officer aboard ships operated by or for the United States Government. Any officer or employee granted leave of absence in accordance with this section who engages in any occupation or pursuit other than that of a licensed officer aboard ships operated by or for the United States Government shall be considered as being absent from duty without leave and shall be subject to the provisions of Rule 33—"Absence From Duty Without Leave." (Adopted 2-14-51. Effective 4-21-51; Ordinance 6644.)

Section 5. Any employee, holding appointment to a permanent position under the City and County may, under the authority of Section 7 of the Charter and with the approval of the appointing officer and the Civil Service Commission, be granted a leave of absence from such position without pay, to secure additional education and training, in a recognized educational institution, that will make him more valuable in his position with the City and County, but such leave shall not exceed one year. Employees granted such leaves may not accept other employment during the period of such leaves without specific approval of the Civil Service Commission. Approval to accept other employment will only be granted for part time work and will not be given except—

(a) if the employment is necessary to finance or partly finance the contemplated studies of the employees, and

(b) if the Dean or other responsible official of the school at which the employee is enrolled as a student certifies that the employment will not interfere with the program of study of the employee.

Applications for Education Leaves under this section shall contain full information concerning the courses of study the employee desires to take, the school he intends to attend, the period of time over which the course extends, etc. Upon expiration of the leave and before return to duty the employee shall present to the Commission a transcript of his scholastic record during the period of his leave.

Section 6. EXPIRATION, CANCELLATION OR TERMINATION: Leaves of absence without pay shall remain in force for the period granted, unless cancellation or abridgement is allowed by order of the Civil Service Commission. No cancellation, or abridgement of leave of absence without pay shall be allowed in any case when such action will cause a Civil Service appointee to be laid off, except in cases of leaves granted under Section 4 of this Rule. (Section 153.)

RULE 31.1. MILITARY LEAVES

Section 1. OFFICERS AND EMPLOYEES ELIGIBLE FOR LEAVES OF ABSENCE: Appointing officers, with the approval of the Civil Service Commission, and subject to the provisions of the State Military and Veterans Code, and of Section 153 of the Charter, when such charter provisions are not in conflict with the provisions of the State Military and Veterans Code, shall grant military leaves of absence (hereinafter referred to as military leave) as hereinafter provided to any officer or employee of the City and County of San Francisco, or any non-certificated officer or employee of the Unified School District of said city and county (hereinafter referred to as employees), other than employees appointed under emergency authorization or civil service temporary appointment; provided that the appointment of an employee serving under temporary civil service appointment at the time of entrance into military service as hereinafter set forth shall be terminated upon such entrance into said service and his name shall be returned to the list of eligibles from which he was appointed, provided such eligible list is still in force and effect.

Section 2. MILITARY LEAVE; SERVICES FOR WHICH GRANTED; DURATION; AND WHEN WITH PAY:

(a) Employees who are members of the National Guard or Naval Militia, or members of the reserve corps or force in the federal military or naval service shall be granted military leave for a period not to exceed one hundred and eighty calendar days in any fiscal year while engaged in the performance of ordered military or naval duty, and while going to and returning from such duty; provided that in time of war or national emergency as proclaimed by the President or Congress or while any conscription act is in effect, employees shall be granted military leave for the period of military service and for a period not to exceed six months after the termination of such active military service but not later than six months after the end of the war, or after the end of the national emergency, or after the expiration of the national conscription act.

(b) In time of war military leave shall be granted to employees for sea duty aboard ships operated by or for the United States Government.

(c) Employees granted military leave under the provisions of paragraph (a) of this section who have been in the employ of the City and County or the Unified School District for a period of not less than one year continuously prior to the date upon which military leave begins shall receive their regular salary or compensation for a period not to exceed thirty calendar days of such military leave in any fiscal year nor for more than thirty calendar days during any period of continuous military leave. (Amended 8-30-50) (See Ordinance No. 6285.)

Section 3. CIVIL SERVICE STATUS: When any employee on military leave has been appointed to a permanent position, he shall be entitled to resume a position in the same class and department at the expiration of his military leave. Any employee granted military leave under the provisions of this rule who is serving a probationary appointment in his position at the time such leave is granted shall be deemed to have satisfactorily completed his probationary period six months following the date of such appointment thereto and shall thereupon be deemed a permanent employee, provided that probationary employees in class Q2 Policeman shall be deemed to have completed their probationary period one year following date of appointment thereto. The term of service for which such military leave was granted shall be reckoned a part of his service under said city and county in computing seniority in the municipal service.

Section 4. STATUS OF ELIGIBLES:

(a) TIME OF WAR: In time of war or during any emergency lawfully declared by the President of the United States, any person serving in the armed forces of the United States or the State of California who has standing on an eligible list shall retain his place thereon, and upon presenting an honorable discharge or certificate of honorable active

service within one year from the date of discharge or release from military service, he shall be preferred for appointment for a period of four years after the proclamation of peace or the termination of the emergency in the order of his standing upon such eligible list at the time of his entering such military service and before candidates securing standing through an examination held subsequent to such entrance into military service.

If, while in the military service, the name of such an eligible was reached for certification to a permanent position, and such eligible presents an honorable discharge or certificate of honorable active service within 120 days from date of discharge, he shall thereupon be certified to a position in the class for which he was reached while on military leave, and for all purposes of seniority the date of certification shall be deemed to be the date when such eligible was reached for certification while in the military service; provided that if no position exists to which such immediate certification can be made, such right of certification shall continue until the eligible can be so certified; but in no case shall such right continue beyond the period of eligibility; and provided further that no such persons shall be certified to entrance positions in the uniformed ranks of the police and fire departments under this provision who are more than thirty-five years of age, unless the names of such persons were reached for certification to such positions before such persons reached the said age. Should eligibles waive appointment offered in accordance with the provisions of this section, or should eligibles have been under waiver for appointment at the time of entrance into military service, they shall then retain their eligibility for the four (4) year period as stated above. Certification to a position after the withdrawal of waiver in accordance with the provisions of Rule 22 shall carry with it seniority for all purposes as of the date of certification only.

Section 5. EXCEPTIONS AND LIMITATIONS TO DURATION OF MILITARY LEAVE:

(a) **ELECTED OFFICER:** Military leave granted an elected officer shall not extend beyond the period of time for which he was elected; provided, however, if said officer is re-elected for an ensuing term of office, said military leave shall be automatically extended to cover such ensuing term.

(b) **OFFICER APPOINTED FOR DEFINITE PERIOD:** Military leave granted an officer appointed for a definite period of time in accordance with charter provision shall not extend beyond the period of time for which he was appointed; provided, however, if said officer is reappointed to such position for an ensuing period of time, said military leave shall be automatically extended to cover such ensuing period of time.

(c) **OFFICER OR EMPLOYEE EXEMPTED BY CHARTER FROM CIVIL SERVICE EXAMINATION:** Military leave granted an officer or employee exempted by charter provision from civil service examination, except those provided for in subdivisions (a) and (b) of this section, shall not extend beyond the period of time for which his appointing officer was himself elected or appointed, or holds such office.

Section 6. PROOF OF DUTY: Any officer or employee applying for military leave shall, at such time, present to the Civil Service Commission a copy of the orders requiring such service for which said military leave is requested. Upon discharge or release from such service for which said military leave was granted, said officer or employee shall present to the Civil Service Commission a copy of his discharge or release from said service.

RULE 31.3. LEAVES WITHOUT PAY PURSUANT TO GOVERNMENT TRAINING & EDUCATIONAL PROGRAMS FOR VETERANS

Any veteran of the armed forces discharged or released therefrom under honorable conditions who holds permanent civil service status as an officer or employee of the city and county, and who is entitled to benefits under any vocational or other training or educational program pursuant to laws of the United States or the State of California, will be granted leave of absence while attending and pursuing courses of studies authorized and established thereunder, providing the interests of the city and county, or a department thereof, are not seriously impaired by the granting of such leave. Requests for leaves of absence under the provisions of this rule shall first be filed by the officer or employee with the appointing officer under whose jurisdiction he serves. The appointing officer shall either recommend approval or disapproval of the request and his reasons therefor, and shall, without delay, forward the request with his recommendation to the Civil Service Commission for action. If this appointing officer recommends denial of the request he shall indicate thereon in what manner and to what extent the interests of the city and county, or of his department, will suffer by reason of the granting of the leave. The commission shall investigate the circumstances in connection therewith and shall thereupon approve or disapprove the request of the officer or employee in accordance with its judgment. Proof of attendance at such courses of study satisfactory to the commission shall be filed by the officer or employee on completion of the course of study, and periodically at the end of such school term. Such leaves shall stand abridged not later than thirty days after the completion of the course of study or if the employee discontinues the course of study.

RULE 32. SICK LEAVES AND DISABILITY LEAVES, WITH PAY

Section 1. GENERAL REQUIREMENT: The officers and employees of the City and County of San Francisco shall be entitled to sick leaves with full pay, and disability leaves in accordance with laws, rules and regulations of the Retirement Board, subject, however, in both instances, to the provision of this rule.

Section 2. DEFINITION OF SICK LEAVE: A leave of absence granted under this rule, because of illness or injury, and not covered by Section 3 of this rule shall be known as "sick leave."

Section 3. DEFINITION OF DISABILITY LEAVE: A leave of absence granted under this rule for one of the following causes, shall be known as a "disability leave."

(a) Absence due to quarantine established and declared by the Department of Public Health or other competent authority.

(b) Absence necessitated by death of mother, father, husband, wife, child, brother or sister; provided that in such case the leave shall not extend beyond the date of burial of said deceased person.

(c) Absence necessitated by death of other relatives; but leave with pay in such cases shall be for not more than one (1) day to permit attendance at the funeral of said person.

(d) Absence due to disability caused by illness or injury arising out of, and in the course of, employment.

Section 4. PERIODS OF SICK LEAVE: Officers and employees who are subject to the provisions of Section 153 of the Charter, and who have regularly occupied their positions continuously for at least one year, shall be entitled to two weeks' sick leave, with full pay, annually, during their occupancy of said positions; providing that where it is necessary for the appointing officer to employ and pay a substitute in the stead of an absentee who is paid on an hourly or per diem basis, said sick leave, if it is for three days' duration or less, shall be without pay. Such annual sick leave of two weeks, with pay, when not used, shall be cumulative, but the accumulated unused period of sick leave shall not exceed six (6) months, regardless of length of service, except as provided in Section 5 hereof.

Section 5. ACCUMULATION OF SICK LEAVE: Officers or employees who are in the service of the city and county at the time this rule takes effect shall be entitled to an accumulation of two (2) weeks' sick leave with pay for each year of service, until the maximum of six (6) months' accumulation has been reached; provided that when said maximum accumulation of six (6) months has been reached, and thereafter part of said maximum accumulation of six (6) months has been used, the used part of said maximum may again be replenished at the rate of two (2) weeks for each subsequent year of service. Sick leaves with pay allowed since the present Charter became effective on January 8, 1932, shall be deducted from the above-mentioned accumulations, and a statement, by the applicant, of all such sick leaves had since January 8, 1932, to the date of the adoption of this rule, must accompany all requests for sick leave with pay.

Section 6. PERIODS OF DISABILITY LEAVES AS DEFINED IN ITEMS (a), (b) AND (c) OF SECTION 3 HEREOF: Leaves of absence with full pay, allowed because of quarantine established by the Department of Public Health, or other competent authority, shall be for the period of such quarantine only. Leaves of absence with pay, allowed because of deaths of relatives, shall be limited to the periods mentioned in items (b) and (c) of Section 3 of this rule.

Section 7. ABSENCE DUE TO DISABILITY CAUSED BY ILLNESS OR INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT: Officers or employees of the City and County of San Francisco who are absent from duty because of disability arising out of and in the course of their employment, shall be governed by the provisions of the "Workmen's Compensation Insurance and Safety Act" of the State of California and such rules as may be made under authority thereof by the Industrial Accident Commission; and the allowance of benefits and leaves of absence of said persons, in accordance with the provisions of said Act, shall be under the jurisdiction of the Retirement Board, provided that at the option of such officer or employee partial salary may be paid and charged against earned and unused sick leave credits as authorized under sections 4 and 5 hereof to supplement the disability indemnity benefits paid under the provisions of the California Workmen's Compensation Insurance and Safety Laws. Partial salary so paid shall be the amount which when added to said benefits, exclusive of medical and hospital benefits received under the Workmen's Compensation Laws, will equal the normal salary of the employee in his municipal position for his regular work schedule effective at the commencement of the disability. Said partial salary shall be authorized on separate payrolls or time rolls prepared by the department in which the officer or employee is engaged only after certification by the Retirement Board of the amount of said disability indemnity benefit paid for the period.

Provided further that salary may be paid on regular payrolls and charged against earned and unused sick leave credits during the first seven days of such absence without requiring a signed option statement by the officer or employee and without certification of the Retirement Board. Such salary shall be based on the employee's normal rate of pay and regular work schedule. In cases where such salary has been paid during such seven day period and subsequently it is determined by the Retirement Board that the officer or employee is entitled to disability indemnity payments during such period, then provision shall be made for reimbursement to the appropriate City and County fund of an amount derived from such disability indemnity payments as shall reduce the amount of sick leave salary paid from such fund, to what it would have been if partial salary had been paid as provided above to supplement the disability indemnity payments to which the officer or employee subsequently became entitled, the record of the employees earned and unused sick leave credits shall be adjusted accordingly. The reimbursement and readjustment procedure described in this paragraph shall apply also to any case in which an officer or employee receives sick leave salary because of an absence not then known to be due to disability caused by illness or injury arising out of and in the course of employment but is subsequently determined to be due to such disability. Payment of sick leave salary followed by reimbursement to the appropriate City and County fund from disability indemnity benefits shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits up to the amount of such benefits used as reimbursement. (Section amended 12-28-49, Ordinance No. 5959 adopted 4-12-50)

Section 8. APPLICATION FOR SICK LEAVE OR FOR DISABILITY LEAVE: Applications for Sick Leave or for Disability Leave as defined in subdivisions (a), (b), and (c) of Section 3 of this rule, shall be made to the head of the department in which the person making said application is employed, provided that the Manager of Utilities, the Director of Public Works, the Director of Public Health and the Director of Finance and Records may authorize the head of any department, bureau, division or officer, under their respective jurisdictions, to grant and approve the allowance of sick or disability leaves of absence. When any application for a sick leave of absence or disability leave of absence is denied by the respective persons herein authorized to grant the same, the applicant may appeal to the Civil Service Commission from said denial, and the said Commission shall cause the facts on which said application is based to be investigated and may, upon said investigation, make such order in the premises as said Commission shall deem just, which said order shall be final.

No sick leave exceeding five (5) days shall be granted to any person unless there is presented by the person asking for said sick leave and with the application therefor, a physician's certificate stating the necessity for said sick leave, provided however, a statement from an accredited Christian Science practitioner or one authorized to practice as such by

the First Church of Christ, Scientist in Boston, Massachusetts, certifying to treatment and the need therefor may be accepted in lieu of a physician's certificate covering illness of a person who is an adherent to the teachings of Christian Science and relies thereon for healing. The head of the department or other officer to whom said application is made may make such independent investigation as to the necessity for said sick leave as he shall deem proper. When, in case of a sick leave, pay is allowed for the period of the first five days, or any part thereof, the officer, board or commission granting the same shall certify to the Civil Service Commission that he has personally investigated the case and has found it deserving. Illness caused by dissipation or by immoral conduct shall not be made the basis of any sick leave.

Section 9. REPORTS TO CIVIL SERVICE COMMISSION: The officer, board or commission granting sick or disability leave shall immediately report the action to the Civil Service Commission on such forms as the Civil Service Commission may provide. Said officer, board or commission shall thereafter report on such cases when required to do so by the Civil Service Commission but return to duty of an appointee who had been on sick leave shall be immediately reported to said Civil Service Commission. The Civil Service Commission may at any time make such independent investigation as it shall deem proper regarding the illness of any person on sick leave and particularly when any such person has been on sick leave with pay for more than ten continuous days.

All applications for sick leave, with or without pay, for periods exceeding five (5) days, granted to officers and employees of the city and county under authority of this rule, shall be accompanied by physicians' certificates which shall show the cause or necessity for such sick leaves, and the physicians authorized to issue said certificates are as follows:

- (a) The Department Physician for the Fire Department;
- (b) The Police Surgeon for the Police Department;
- (c) The physician designated by the Director of Health for the Department of Health;
- (d) The physician designated by the Civil Service Commission for all other departments;

(e) Provided, however, a statement from an accredited Christian Science Practitioner or one authorized to practice as such by the First Church of Christ, Scientist in Boston, Massachusetts, certifying to treatment and the need therefor may be accepted in lieu of a physician's certificate covering illness of a person who is an adherent to the teachings of Christian Science and relies thereon for healing.

In the cases of all sick leaves, with or without pay, of five days or less duration, granted under the authority of this rule to officers or employees of the City and County, the appointing officers or their representatives shall certify to the Civil Service Commission that they have made investigation of such cases and found them deserving.

Section 10. RETIREMENT ON PENSION AUTOMATICALLY TERMINATES LEAVE OF ABSENCE: Whenever a leave of absence has been granted under this rule to any officer or employee, and such officer or employee during such leave is retired on pension, his leave of absence shall automatically terminate on the date of his retirement on pension; provided, however, that any allowance or compensation made under authority of the Workmen's Compensation Law shall continue to be paid to said retired employee in accordance with the provisions of said law.

Section 11. POLICE AND FIRE DEPARTMENTS: Sick leaves and disability leaves granted to members of the uniformed forces of the Police Department and Fire Department shall be regulated by rules adopted respectively by the Police Commission and Fire Commission which rules, and amendments thereto, shall be subject to the approval of the Civil Service Commission, and when so approved by the Civil Service Commission shall be deemed as included in this rule. (Sick leave rules of the Fire Department approved Minutes of April 18, 1945. Sick leave rules of the Police Department approved as amended Minutes of February 15, 1950).

Section 12. POSITIONS TO WHICH THIS RULE SHALL NOT APPLY: The provisions of this rule shall not apply to certificated employees of the Board of Education for whom sick leaves, with pay, are governed by State Law, nor to positions of patrol special officers appointed by the Police Commission.

Section 13. PAY ROLLS AND TIME SHEETS: Sick leaves, with pay, granted under this rule shall be indicated on pay rolls and time sheets by the letters S.L.P. (Sick leave with full pay); and disability leaves, with pay, granted under this rule, shall be indicated on pay rolls and time sheets by the letters D.L.P. (Disability leave with full pay).

(Sick leave rules of Fire Department approved Minutes 4-18-45)

(Sick leave rules of Police Department as amended, approved Minutes 2-15-50)

(Sick leave Ordinance re-enacted 4-12-50 Ordinance No. 5959)

RULE 33. ABSENCE FROM DUTY WITHOUT LEAVE

ABSENCE FROM DUTY: Absence from duty without leave or permission from the head of the department, or failure to report for duty at the expiration of leave of absence or vacation, or failure of a holdover as defined in Rule 23 to report for duty when notified to do so by the Civil Service Commission, shall be considered "inattention to duties" within the meaning of Section 154 of the Charter and shall be good cause for suspension or dismissal under the provisions of the said Section 154.

APPOINTING OFFICERS: Appointing officers shall immediately investigate and report to the Civil Service Commission such instances of absence without leave or permission, or failure to report for duty at the expiration of leave of absence or vacation, or failure of a holdover to return to duty, and shall initiate disciplinary proceedings against such employees pursuant to the provisions of Section 154 of the Charter.

Should the appointing officer refuse or neglect to initiate such proceedings, the Personnel Director and Secretary of the Civil Service Commission shall report such facts to the Commission and shall prepare and file with the Commission, charges of inattention to duties against such employees, setting forth therein all the facts and circumstances pertinent thereto.

RULE 34. TRANSFERS

Section 1. FOR THE GOOD OF THE SERVICE: Whenever, in the judgment of the Civil Service Commission, it is for the best interests of the service, an employee holding permanent appointment under a regular Civil Service position under one appointing officer may, upon his written request, be transferred by the Civil Service Commission to a permanent regular position of the same class under another appointing officer; provided the employee requesting such transfer must state in his written request the department to which he seeks transfer, and such request, before it is filed in the office of the Civil Service Commission, must, unless otherwise ordered by the Civil Service Commission, contain the approval of the appointing officers of the departments concerned, and such request may specify only one appointing officer to whose department transfer is sought; and provided further that such request for transfer will not be considered in connection with the filling of any vacancies except with the approval of the Civil Service Commission and after such request has remained on file in the office of the Civil Service Commission for a period of at least 30 days; and provided further that a person so transferred under this section shall begin as a new appointee in the position to which he is so transferred and shall serve therein a new probationary period; and provided that the acceptance of such transfer by an appointee shall immediately and automatically cancel all his rights in the position from which he was transferred; (Remainder of Sentence adopted 1-14-48) with the exception that having served a satisfactory probationary period in one department, an employee serving a new probationary period in the same classification under the provisions of this rule shall be permitted to participate in a promotive examination for which he may be otherwise eligible while serving such new probationary period, but he shall not be entitled to any appointment resulting from such examination prior to the satisfactory completion of such probationary period. In making transfers under this section, preference shall be given to the appointee who has a clean record and who has had the longest service under Civil Service permanent appointment in his class; provided that the date of "Civil Service permanent appointment" in cases of persons that have been blanketed into their positions by charter provision shall be the date upon which they secured such standing.

A transfer request that remains on file in the office of the Civil Service Commission for a period of eighteen months without a vacancy occurring, to which employee can be transferred, shall be void; provided that an employee whose request for a transfer is so voided may again submit a second request for transfer to the same department in accordance with the provisions of this rule, except that such second request will not have to remain on file in the office of the Civil Service Commission for thirty days before being considered in connection with the filling of any vacancy.

No change in the salary or compensation of a person transferred under this section shall be caused by such transfer, except under the following conditions:

(a) When the employee to be transferred is receiving salary or compensation in excess of the maximum salary rate recommended by the Commission on April 9, 1930, or as said salary plan may be extended, such employee must accept salary reduction to the maximum rate so fixed for his class;

When an appointee has been transferred under this section, and his transfer, or new appointment, is terminated by the appointing officer during the probationary period, the Civil Service Commission may declare such appointee dismissed, or may again consider him under the provisions of this section for transfer to a position of the same class under another appointing officer; provided that no appointee otherwise shall be entitled to more than one transfer under this section, for the same class of employment, except with the special permission of the Commission.

Transfers of "holdovers" may be made as provided by Section 5 of Rule 26, and as provided by this Section 1 of this Rule 34, except that "holdovers," while they are without employment in a permanent position, and have actual status as such holdovers, may, subject to the later approval of the Civil Service Commission, make blanket request for transfer to the first vacancy thereafter occurring in another position of the same class in any department and under any appointing officer.

Section 2. TRANSFER OF DISABLED: (a) When a permanent Civil Service employee, other than a member of the Police or Fire Departments, who has served not less than three years in his position, has become incapable through advanced age, accident or disability, of performing the duties of his position, the Civil Service Commission may, with the consent of the appointing officer or appointing officers involved, transfer him to a position within his capacities to perform, whether or not within the classification for which he qualified for appointment, but such position shall not be in a classification having a higher compensation schedule than the one from which he is transferred and his compensation shall not thereafter be increased beyond the maximum salary for the classification to which such employee is transferred, nor in any event shall his salary be increased to equal salary such employee would have received had he remained in his former position.

(b) Requests for Disability Transfer shall be submitted on forms provided by the Civil Service Commission, and shall bear the certificate of a physician appointed by the Civil Service Commission that the employee is incapable through disability, of performing the duties of his present position, but that he is capable of performing the duties of the position to which he requests transfer. When requests are properly completed and approved by the Civil Service Commission, the transfers shall be effected in order of the receipt of such requests at the offices of the Commission.

(c) Positions filled by disability transfer shall not be subject to salary standardization, but the salaries therefor shall be fixed by the Civil Service Commission within the limitations herein provided in subdivision (a).

(d) Any permanent employee who has become incapable of resuming his former position through disability incurred while on active service with the armed forces while on military leave, may upon application after his discharge from military service, be transferred under provisions of this section, regardless of his length of service. Such disabled employees shall submit competent proof of the fact that his disability was incurred while on such active duty.

(e) Employees transferred under the provisions of this section, upon recovery from the disability, and with the consent of the Civil Service Commission, may return to vacancies in their former classifications at rates of pay in conformity with the annual Salary Ordinance.

Section 3. TRANSFERS OCCASIONED BY REDUCTION OF FORCE DUE TO THE INSTALLATION OF MECHANICAL EQUIPMENT: Whenever a surplus of employees is created in a department by the installation of mechanical equipment, and when the appointing officer shall so certify, such surplus employees may, with the approval of the appointing officers concerned and the Civil Service Commission, be transferred to vacant positions of the same classification in other departments; and such employees shall retain in their new departments the same salary and seniority status as they had in the department from which transferred. The thirty-day waiting period provided in Section 1 hereof is not required when transfers are made under the provisions of this section.

RULE 35. SALARY INCREASE

All officers and employees subject to salary standardization shall enter the service at the minimum rate for the class involved as set up in the currently existing salary ordinance unless such ordinance shall specifically provide otherwise, and shall advance to the maximum rate for such class in accordance with the provisions of such ordinance. Persons appointed under Section 4 of Rule 24 as an emergency appointee shall be paid the minimum rate established for the class involved, provided that where the salary ordinance specifically provides for certain, classes that employees shall enter the service at other than the entrance salary, such emergency employees shall be governed by such provisions.

RULE 36: HOLDING OF MORE THAN ONE POSITION

Except with the approval of the Civil Service Commission as herein provided, no person holding a position under civil service appointment in this jurisdiction shall accept any employment, position or service, in or out of the service of the San Francisco municipal government, in which he is required to perform any duties and for which he is to receive any compensation in any form including salary, wage, fee, commission or emolument.

Such persons who desire to accept other employment in addition to their regular municipal employment must make a request of the Civil Service Commission for such permission on a form provided by the Commission. The request must first have the approval and affirmative recommendation of the officer having appointive power over the full time civil service position of the employee who is making the request. The request must contain a statement reporting the nature of the other employment or service which the employee desires to undertake and the duties thereof; the usual place of the employment or service; the approximate total number of hours of service required of the employee per week, and the work schedule; and the name of the person, firm, or official for whom, or under whom, the service is to be performed and a statement by such person to the effect that he understands that the employee is regularly employed in the city and county service on a full time basis.

The Civil Service Commission, on the basis of investigation and report by the Personnel Director and Secretary shall decide whether the performance of the duties of the other employment or service will impair the efficiency of such employee in his regular civil service employment or interfere in any way with the full and proper performance of the duties of his regular civil service position, or if the performance of the other service may be contrary to the best interests of the city service in any respect or may lead to situations which would reflect discredit on the city service. If in the opinion of the Commission the acceptance of such other service by such employee would in any manner impair the efficiency of the employee in the performance of his regular municipal duties or interfere therewith, or that the acceptance of the other service may be contrary to the interests of the city service or may lead to situations which would reflect discredit on the city service, the Commission shall deny such request. The Commission will not approve any request to accept other service which under any circumstances will require more than 24 hours per week of work or service nor any request which entails any duty whatsoever of the employee during his regular municipal work schedule.

The Personnel Director and Secretary shall withhold approval of the salary of any such employee who accepts any other position, employment or service, except in accordance with the provisions of this rule and the acceptance of any such other employment or service except in accordance with this rule shall be deemed insubordination and subject to disciplinary procedure as provided in section 154 of the charter.

For purposes of this rule the term "employment" or "service" when used in connection with employments or service elsewhere than in the municipal service, includes also positions as well as any service performed or to be performed by an employee in addition to that performed by him in his regular civil service position. The term "compensation" means any form of payment in cash or in kind for the performance of services rendered including salaries, wages, fees, commissions or other emoluments.

The term "employee" when used in connection with employment within the city and county government means also "officer," and the term "position" when used in connection with the municipal service means also "office."

The provisions of this rule do not apply to members of the Police or Fire Departments.

RULE 37. PARTICIPATION IN POLITICS

Section 1. **PROHIBITION OF POLITICAL ACTIVITY:** Active participation in City and County politics, relative to the election or appointment of public officials, by Civil Service employees and eligibles of the City and County, is subversive of the best interests of the merit system, and therefor persons holding positions in the classified Civil Service or on eligible lists for such positions shall take no active part in such political campaigns, or in soliciting votes, or in levying, contributing or soliciting funds or support, in such case for the purpose of favoring or hindering the appointment or election of candidates for City and County offices. Violation of the provisions of this section shall be deemed an act of insubordination and considered good cause for suspension or dismissal from position or removal from eligible list.

Section 2. **CANDIDACY FOR ELECTIVE OFFICE PROHIBITED:** Any appointive Civil Service officer or Civil Service employee of the City and County who shall become a candidate for election by the people to any public office shall automatically forfeit such City and County office or position. (Sec. 157.)

RULE 38. DUTY OF APPOINTING OFFICERS

It is the duty of every appointing officer to make himself familiar with all the Civil Service provisions of the Charter and with all the provisions of the rules of the Civil Service Commission, and to comply promptly with those provisions. Failure to do so will retard the work of the Civil Service Commission and may cause loss of pay to employees or loss of work to eligibles. When in doubt regarding Civil Service procedure, an appointing officer should apply immediately to the Civil Service Commission for advice. (Sec. 141.)

RULE 39. SERVICE RECORDS

When a valid and workable method of securing records of service of civil service employees is perfected, the Civil Service Commission shall establish, in accordance with charter provision, an inspection service for the purpose of investigating the conduct and action of appointees in all positions and securing records of service for promotion and other purposes, pending which time appointing officers shall make a "Report of Performance of Probationary Appointee" which report shall be on a form provided by the Civil Service Commission and shall be filed with the Commission during the 5th month of such probationary period.

RULE 40. PRESIDENT AND SECRETARY

Section 1. **PRESIDENT:** The Civil Service Commission shall appoint one of its members as President, to hold office under such appointment for a term, ending June 30 of each odd numbered year, or until a successor has been appointed.

Section 1a. **VICE PRESIDENT:** The Civil Service Commission shall appoint one of its members as Vice President, to hold office under such appointment for a term ending June 30 of each odd numbered year, or until a successor has been appointed.

Section 2. **SECRETARY:** The Civil Service Commission shall appoint a Secretary, who shall be the executive officer of the Commission and who shall hold office at the pleasure of the Commission. (Secs. 19 and 140.)

RULE 41. REGULAR AND SPECIAL MEETINGS

Section 1. REGULAR MEETINGS: The Commission will meet in regular session in its office in the City Hall every Friday. The meeting shall convene at 4:00 o'clock p.m., provided, however, that in the interest of the proper conduct of public business, an earlier hour may be set for a special meeting, in which event the Personnel Director and Secretary shall give due notice thereof similar to the announcement of a special meeting. A regular meeting shall not be closed or adjourned before 5:30 p.m.; however, nothing contained herein shall be construed as barring the Commission from recessing from time to time during the continuance of the meeting.

Communications requiring action by the Civil Service Commission and original petitions, or original requests for rulings, must be filed in writing in the office of the Commission before 12 o'clock noon on Wednesday, and when so filed, will be heard at the regular meeting to be held on the Friday next following, provided, however, that the Personnel Director and Secretary shall prepare a supplemental calendar of matters received up to 11 a.m., Friday, which in his judgment requires immediate attention of the Commission and the Commission may hear such matters. Persons filing such communications, petitions or requests shall, without further notice, be present at such hearings. No oral requests for ruling will be considered at a meeting. Communications not requiring action by the Civil Service Commission under these rules shall be processed by the Personnel Director and Secretary as provided by these rules, and proper notations thereof shall be made on pertinent records.

Requests for reconsideration shall be filed in writing within thirty days after the original decision by the Civil Service Commission and shall specify the reasons for the request for reconsideration. If the reason for the request is that the petitioner desires to submit new information not previously considered by the Commission, the petition shall set forth such new information in detail. No oral arguments shall be heard in connection with the request for reconsideration. If the Commission, shall grant the request for reconsideration, it shall set a date for reconsideration. If the Commission shall deny the request for reconsideration, no further such request for reconsideration shall thereafter be considered by the Commission.

An employee who makes a petition which is denied by the Personnel Director and Secretary under authority of these rules, may within thirty days thereafter appeal such decision to the Civil Service Commission and such appeal shall be deemed a request for reconsideration as provided by the rule. Such request for reconsideration shall be made in writing by the employee and shall be subject to the provisions of this rule.

Requests for ruling on moot questions or hypothetical questions will be filed without discussion or decision.

Section 2. SPECIAL MEETINGS: A special meeting of the Commission may be called by the President of the Commission, and must be called by the President upon written request of a majority of the members of the Commission. At least twenty-four hours' notice shall be given of the holding of a special meeting. No business shall be transacted at a special meeting except that for which the meeting is called.

Special meetings of the Commission for the purpose of considering and adopting examination questions shall not be open to the public. (Section 19.)

RULE 42. AMENDMENT OF RULES AND OF CLASSIFICATIONS

The Commission may, upon one week's notice, make changes in the rules, which changes shall thereupon be published, and be in force, provided that no such change in rules shall affect a case pending before the Commission. The classification of positions may be amended at any meeting. (Sec. 19.)

RULE 43. SUSPENSION OF RULES

Any rule of the Civil Service Commission may be suspended at a regular meeting of the Commission with the consent of the three Commissioners, provided that if one member of the Commission shall be absent on military leave granted and approved pursuant to charter provisions, or absent from the State on leave granted by the Board of Supervisors, or if a vacancy exists on the Commission, any such rule may be suspended at a regular meeting with the consent of the two remaining Commissioners. (Sec. 141.)

RULE 44. CITY ATTORNEY'S OPINIONS

Whenever, in the judgment of the Commission, it becomes necessary to secure the opinion of the City Attorney on any legal question, such opinion shall be requested to be in writing, and, when received, shall be entered in full on the minutes of the regular meeting held following such receipt. (Sec. 141.)

RULE 45. COURT ACTIONS

Whenever a suit or legal action is brought against the Commission the City Attorney shall be requested to defend the Commission, and, in the event of an adverse decision or judgment, shall carry the proceedings to the highest court for final decision unless otherwise ordered by the Civil Service Commission.

RULE 46. DEFINITION OF TERMS

The term "Appointing Officer," when used in these rules, shall mean the officer who has the appointing power in a department or of an organization unit of the City and County government, having the powers of a Department Head, as defined in Section 20 of the Charter.

The term "Commission," when used in these rules, shall mean the Civil Service Commission of San Francisco.

The term "City and County," when used in these rules, shall mean the City and County of San Francisco.

The term "Department" when used in these rules shall mean any department or organization unit of the City and County government under a separate appointing officer as provided in Section 20 of the Charter.

The section number appearing at the end of rules refers to the sections of the Charter.

RULE 47. LIMITED TENURE APPOINTMENTS

Section 1. **RECRUITMENT:** Whenever as provided by Section 145.1 of the Charter the Civil Service Commission deems it necessary to qualify applicants for limited tenure appointments, it shall by resolution adopt a "Bulletin" announcing tests for limited tenure appointments and shall specify therein such conditions to govern the tests as it shall deem necessary and proper to recruit such personnel, and to govern the administration of the examination.

The Bulletin shall be posted on the bulletin board in the office of the Civil Service Commission and otherwise distributed as the Personnel Director and Secretary deems advisable to attract the attention of qualified applicants.

The official designation "Bulletin," announcing tests for limited tenure appointments shall distinguish such notice from the official "examination announcement" used to announce regular civil service examinations conducted under the provisions of Section 145 of the Charter.

Section 2. **APPLICATION PROCEDURE:** Applications must be filed in person in the office of the Civil Service Commission on the special "Limited Tenure" application forms provided and must be signed by the applicant and shall contain full and complete answers to all questions. Any false statement made by an applicant may be deemed by the Civil Service Commission as sufficient grounds to cause rejection of his application and to bar such applicant from participation in any future civil service examinations. Applications shall be dated and upon being filed shall be stamped with the date and time stamp, which date and time stamp shall determine the order of priority of filing of the application.

Every applicant at the time of filing his application must be a citizen of the United States, must meet the minimum requirements established in the bulletin announcing the test and pass the tests established by the Civil Service Commission for the position applied for. Unless otherwise ordered by the Civil Service Commission, all applicants must be residents of the City and County of San Francisco for at least one year prior to making application. Applicants who fail to meet the requirements set forth in the bulletin shall be so advised and shall immediately stand rejected without further order or notice from the Civil Service Commission.

Section 3. **TESTS:** Tests shall be conducted in accordance with the provisions established in the Bulletin. Applications of those who fail to appear for the tests at the time designated for the tests, or any part thereof, shall be automatically rejected and cancelled. The names of those applicants who attain the minimum passing marks fixed by the Commission shall be immediately placed on the eligible list for limited tenure appointment in order of priority of filing of application, unless the Commission in the Bulletin establishes some other procedure for placing names of applicants on the eligible list. Applicants who fail to attain the minimum passing mark fixed by the Civil Service Commission shall be so advised and stand rejected without further order or notice from the Civil Service Commission.

Section 3a. LIMITED TENURE ELIGIBLE LISTS: A limited tenure eligible list shall be in effect and certifications may be made therefrom as soon as the names of successful applicants are placed on such list. A limited tenure eligible list may be abolished by action of the Civil Service Commission when in the judgment of the Commission the continuance of such list serves no useful purpose.

Section 4. NOTICE OF PROBABLE APPOINTMENT: A person whose name is reached for limited tenure appointment shall be so informed by mailing to him a notice of probable appointment to a limited tenure appointment or by sending him forthwith to the appointing officer with such notice. A person who does not accept a limited tenure appointment when notified of probable appointment or fails to respond personally within the time limits as approved in Rule 23, or having accepted appointment fails to report for duty as directed shall be removed without further order or notice from the limited tenure list involved, provided however that persons thus removed shall have the right of appeal to the Civil Service Commission, who shall make such order as it may deem just and proper under the circumstances. Provided, further, that a person who is reached for a limited tenure appointment who is already employed under appointment from a limited tenure list for another class or from an eligible list established pursuant to the provisions of Section 145 of the Charter must so report to the Civil Service Commission and he thereafter will not be offered any other employment from a limited tenure list until he reports to the Commission that he has completed such certification.

Section 5. TENURE OF POSITIONS: Applicants for limited tenure appointment shall indicate on their applications whether they will accept appointment to a position, the estimated tenure of which is not more than five (5) months, or whether they will accept appointment only to a position, the tenure of which is indefinite, but is expected to be longer than five (5) months. Applicants who have indicated on their applications that they will not accept appointments with an estimated tenure of not more than five (5) months, will not be offered such appointments but their names will be retained on the lists of limited tenure eligibles for appointment to positions that are estimated to continue for more than five (5) months.

Applicants or eligibles shall be allowed to waive appointments to any given department or to indicate the department or departments in which they will accept employment, but when such action has been recorded it cannot thereafter be changed and eligibles will thereafter be offered employment only in accordance therewith.

Section 6 CERTIFICATION AND APPOINTMENT:

CERTIFICATION: Certification to limited tenure appointments shall be made in response to regular "Requests for Certification" and only when eligibles are not available for appointment from registers established through the regular examination procedure as provided under Section 145 of the Charter.

Certifications shall be made on a special form bearing the title "Certification to Limited Tenure Appointment," which form shall advise the appointing officer that such appointment is made in the absence of eligibles qualified through the regular examination procedure, and may continue during the continued absence of eligibles on a list created through the regular examination procedure as provided under Section 145 of the Charter, but in no case to continue beyond such time as a limited tenure program is in effect in accordance with Charter authority.

Certification to limited tenure appointments shall be made from the limited tenure list for the class involved in the order of the names appearing thereon, subject to the provisions of Section 5 hereof.

REPORT OF APPOINTMENT: Report of appointment by the appointing officer shall be made on a special form furnished by the Commission—"Report of Limited Tenure Appointment." Such report must be made within three (3) days after the person certified to limited tenure appointment has reported for work. Such report must be signed by the appointing officer and contain the right hand thumb print and signature of the appointed person.

Section 7. RELEASE AT EMPLOYEE'S REQUEST: Persons desiring to be released from a limited tenure appointment shall fill out a special form of release provided by the Commission. Such form must contain the full name of the person requesting release, the title of the position from which he is requesting release, his reasons therefor, and a statement of the appointing officer as to whether or not his services have been satisfactory. Unless otherwise ordered by the Commission, the name of such eligible shall be removed from the limited tenure list involved without further order or notice.

Section 8. TERMINATION OF SERVICES:

(a) **ORDER OF LAY OFF:** When because of lack of work or funds, or when an eligible from a register of eligibles established through regular examination procedure is certified and reports for duty, or when an employee reports for duty following abridgment of leave, necessitating the lay off of a limited tenure appointee, the lay off shall conform to the provisions of Section 2 of Rule 26; provided however that the appointing officer of the Department of Public Health, or the Department of Public Works, or the Public Utilities Commission in order to avoid disrupting of the department's functions may designate for lay off the limited tenure appointee last appointed in the bureau or division in which the above mentioned eligible or employee is to report for duty. The name of such limited tenure appointee shall be returned to the list from which he was appointed at his original rank thereon.

(b) **REPORT OF LAY OFF:** The appointing officer shall immediately report to the Civil Service Commission, the lay off of a limited tenure appointee.

(c) **ABSENCE DUE TO SICKNESS:** When a limited tenure appointee certified on a temporary requisition who has not earned sick leave with pay is absent on account of illness for a period exceeding five days the appointing officer shall terminate his appointment. The name of such limited tenure appointee shall be returned to the eligible list from which appointed not to be certified again until he presents a certificate from his own physician that he is able to resume employment. Formal requests for sick leave for a period over five days accompanied by a doctor's certificate may be submitted by a limited tenure appointee certified on a permanent requisition and may be approved by the Civil Service Commission.

(d) **ABSENCE DUE TO OTHER REASONS:** The appointing officer may terminate a limited tenure appointment immediately for absence without permission. Unauthorized absence of a limited tenure appointee for a period of over five consecutive days shall automatically terminate the appointment. The name of such appointee shall stand removed from the limited tenure list involved without further order or notice, unless the Civil Service Commission shall make such other order as it deems just and proper under the circumstances. A limited tenure appointee certified on a permanent requisition may submit a formal request for leave of absence without pay, which request may be approved by the Civil Service Commission if it deems it advisable.

(e) **TERMINATION FOR CAUSE:** Limited tenure appointments may be terminated by the appointing officer for good cause at any time, subject to approval of such termination by the Civil Service Commission. The appointing officer shall advise the Commission of the termination of limited tenure appointees for cause and state the reasons for such termination. The Commission shall make such order as it deems just and proper in the circumstances. The termination of a limited tenure appointment by the appointing officer for good cause shall be without reference to the procedures governing removals set forth in Section 154 of the Charter.

Section 9. No person holding a limited tenure appointment shall acquire any right to permanency in the position held under such appointment, but satisfactory service under a limited tenure appointment will be accepted toward minimum experience required for admission to a regular civil service examination when the experience under such limited tenure appointment is deemed acceptable by the Civil Service Commission.

Section 10. Any position to which are attached unusual duties or conditions may, with the approval of the Personnel Director and Secretary, be deemed an inferior position and eligibles for limited tenure appointments may waive appointment to such positions without penalty, but such waiver may not thereafter be removed.

(Authorized by Ordinance 6532, Effective 3-3-51.)

RULE 48. SIMILAR PROMOTIONAL EXAMINATIONS

Section 1. **RULES GOVERNING "SIMILAR" PROMOTIONAL EXAMINATIONS:** In accordance with Section 146.1 of the Charter, similar promotional examinations shall be administered in accordance with established rules and procedures governing promotional examinations, except as otherwise provided in this rule.

Section 2. **MARKING AND GRADING PAPERS:** The examination papers in a similar promotional examination shall be marked and graded in accordance with the methods and procedures used in marking and grading the original promotional examination.

Section 3. **VETERAN'S PREFERENCE:** Applicants participating in a similar promotional examination shall not be granted veteran's preference for military service when such military service was the service through which the applicant gained the right to participate in the similar promotional examination.

Section 4. **CITY AND COUNTY SERVICE AND ASCERTAINED MERIT:** An applicant participating in a similar promotional examination shall not be granted credit for city and county service, or credit or demerit for ascertained merit for any time subsequent to the official beginning date as announced in the scope-circular for the original promotional examination.

Section 5. **POSTING OF TENTATIVE LIST:** A tentative list of the participants in a similar promotional examination who obtained a rating equal to or more than the minimum passing mark established by the Civil Service Commission in the original promotional examination shall be posted in the office of the Civil Service Commission for a period of two weeks, during which time such participants may inspect their own examination papers in accordance with the provisions of Rule 12, Section 2-B. Such tentative list shall show the tentative ranking of the participants upon the eligible list resulting from the original promotional examination.

Section 6. **ESTABLISHMENT OF ELIGIBILITY:** Upon the final approval of the tentative list by the Civil Service Commission, the names of such participants shall thereupon be entered on the eligible list resulting from the original promotional examination in accordance with the relative excellence obtained by all of the qualified participants in the original and similar promotional examination.

RULE 49. JOINT EXAMINATIONS

Upon approval of the Civil Service Commission of an agreement entered into with one or more public agencies to administer a civil service examination jointly with such other public agencies, the Personnel Director and Secretary is authorized to take necessary action, in accordance with the examination announcement approved by the Civil Service Commission, to make the holding of such joint examinations possible, and except as authorized, such action shall be within the provisions of the established rules and procedures of the Civil Service Commission.

RULE 50. RETIREMENT OF EMPLOYEES

Retirement from the service by employees, either by reason of service or disability, when reported by the Retirement System pursuant to charter provisions relating thereto, shall be recorded on the service record of the employee concerned and such record shall thereafter be transferred to the file of former employees.

RULE 51. DEATH OF EMPLOYEES

Death of an employee, when reported by the appointing officer, shall be recorded on the service record of the employee and such record shall thereafter be transferred to the file of former employees.

RULE 52. PERMISSION FOR EMPLOYEES TO LIVE OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO

When the Director of Public Health shall notify the Civil Service Commission that pursuant to the provisions of Section 7 of the Charter he has granted an employee permission to live outside the City and County of San Francisco, such notification shall be recorded and filed in the office of the Civil Service Commission.

RULE 53. DISCHARGE OF AN ELIGIBLE OR EMPLOYEE FROM MILITARY SERVICE

Notice of discharge of an eligible or employee from military service, when properly filed in the office of the Civil Service Commission, shall be recorded on the service record of the employee and thereafter such eligible or employee shall resume the status to which he is entitled under the charter and these rules.

RULE 54. SUSPENSIONS WHEN NOT REVIEWABLE BY THE CIVIL SERVICE COMMISSION

Suspensions for periods, not exceeding thirty days for disciplinary purposes, when imposed by appointing officers as provided in Section 154 of the Charter, shall be recorded on the service records concerned when reported by the appointing officer.

RULE 55. (Repealed 2-21-51)









